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By HONORABLE JOHN E. RICHARDS

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HONORABLE JOHN E. RICHARDS

ASSOCIATE JUSTICE OF THE
FIRST DISTRICT COURT OF
APPEALS OF CALIFORNIA

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INTRODUCTORY.

The present state of our knowledge concerning the legality or the illegality of the trial of Jesus may be likened to an unfinished building in which much of the foundation is unlaid. The times demand more knowledge. A study of the dawn of the Christian Era is always of interest and especially so when new facts are brought to light and fair argument is based thereon. To the scientist and religionist alike, the story of the trial of Jesus will always be of abiding interest.

Judge Richards, thorough student, able lawyer, and Christian gentleman, portrays according to his light, the setting of the star of human destiny, radiant with faith, hope and love, but amid the darkness of a crucifixion undeserved and unfairly imposed as a penalty wrought by passion and prejudice.

And Judge Richards believes in the resurrection.

The East Indian savant, Dr. S. Srinivasa Aiyar, has long been known as one of the ablest jurists of his day. Since his manuscript was written, he has passed to the Great Beyond. He considered carefully the same facts as did Judge Richards, which surrounded the trial of the Nazarene, but he viewed these facts in a different light, and he saw them along different lines. In his discussion of the question, nowhere can be found a word—a sentence, which in any way can be construed as objectionable to Christian laity or clergy. His is a classical close analysis of the legal aspect of the case. Both writers are widely known for their analytical minds, philosophic characters, and judicial temperaments. Both are particularly well fitted and qualified to review in all its legal aspects this tragic trial of all ages.

Chas. E. George

New Orleans, La., December, 1914.

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JESUS AT TIME HE WAS SENT INTO EGYPT

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The Trial of Jesus

From a Jurist's Standpoint

By Hon. John E. Richards, Associate Justice of the First District Court of Appeals, California.

THE darkest hour in all the history of the Hebrew people, between the death of Moses and the dawn of the Christian era, was that wherein its exiles sat down by the rivers of Babylon and uttered that lamentation for their loved and lost Jerusalem, which is written in the 137th Psalm. But out of that dark hour the dawn was about to spring of another and notable epoch in the history of the children of Israel, as a united nation, in the land of their forefathers, Palestine. When Babylon fell and a new empire had its rise under the victorious armies of the Medes and Persians, Cyrus the Great was led to look with kindly eyes upon the Hebrews, and was presently induced to favor the effort of Ezra the Scribe to accomplish the return of the scattered nation to their ancient home. In the year 458 B. C. an expedition set out for Palestine to join the fragment of the tribe of Judeah which had still remained at Jerusalem. Twenty years later Nehemiah, the cupbearer of the Persian king, with an additional company, joined Ezra the Scribe; and through the efforts of these two devoted men the Judean state was reorganized and the Jewish hierarchy re-established, which continued to exist until Jerusalem was destroyed in the year 70 of the Christian era.

It was during these centuries of Jewish history that those certain classes, parties, sects and institutions came into being which furnish the actors and form the setting of the trials of Jesus of Nazareth before the Jewish Sanhedrin and before Pontius Pilate. These were chiefly the class of the Scribes, the party of the Sadducees, the sect of the Pharisees, and the institution of the Sanhedrin. In view of the limitations of my time and the amplitude of my subject, I shall assume that you are already sufficiently familiar with the origin and nature of these several classes, parties and sects, the distinctions between them, and the relations of sympathy or antipathy which they bore toward each other and toward the government and

rulers of the Roman Empire in its dominion over Palestine in the time of Christ.

In order, however, to a proper understanding of the constitution, membership and action of the Jewish Sanhedrin in the great trial before it which is presently to come under review, it is essential that we should have in our minds a very clear and definite picture of the Sadducees, their position, their principles, and the personnel of the leading members of their party in Jerusalem when the trial came on. The Sadducees, you will remember, claimed to be the descendants or successors of Zadoc, the head of a priestly house of the time of David. During the centuries after Ezra their party rose into power and influence in Jewish affairs, chiefly through their adoption of the principle and policy that the political prestige of the Jewish state was to be maintained and increased, and possibly its independence attained among nations, through diplomacy and statecraft rather than through rebellion, or the separation of Church and State. Thus it was that during the latter centuries of Judean history, when it was successively subject to the overlordship of the Syrians, the Macedonians, the Egyptians and the Romans, the Sadducees were usually held in esteem by the foreign rulers, and were given the places of dignity and power of Judean affairs. This was especially true with respect to the highest and most sacred office which a Jew could hold in Palestine, the office of High Priest. For a thousand years before the Romans under Pompey extended their dominion over Judea, the office of High Priest had been hereditary and held for life. But when Rome had become overlord, and Augustus had appointed Herod, the Edomite, to be King of Judea, the latter assumed the right to make and unmake High Priests at will; and his successors claimed and exercised a similar right and power; and, since the Sadducees had diplomatically maintained an attitude of friendship to their successive rulers, while that of the Pharisees had been strained, if not hostile, it was natural that Herod and his successors should have chosen their appointees to this sacred office from the Sadducean party.

In the year 7 A. D. Coponius, the Procurator, appointed one Ananos, or Annas, the son of Seth, an Alexandrian Sadducee, to be High Priest at Jerusalem, and thus laid the foundations of the House or High Priestly family of Annas, which, with brief and occasional interruptions in the terms of that office, held sway in and about the Temple for the next fifty years. Five sons of Annas were High Priests during that period, and his son-in-law, Caiaphas, was in possession of that office at the time of the trial of Jesus. Profane history has clearly and minutely described the crafty and serpent-like

cunning by which Annas had been enabled to retain this coveted dignity within the control of himself and his family; and has also described the rise and nature of the *Temple Bazaars,* that infamous system of traffic in the sacrificial offerings of the Temple, and in the Temple Tribute, established and controlled by the sons of Annas, which was a source of immense wealth to that family, and which had grown to such proportions in the time of Jesus as to make the Temple, in very truth, a "den of thieves."

There is one other institution which we should have clearly in mind as we approach the day of the great trial. That is the Sanhedrin, the Supreme Tribunal of Jewish judicature. It is probable that this great Council of the Priests, Scribes and Elders of the Jewish state had its inception in the time of Ezra, when the foundations of the Judean theocracy were being laid. It was held to be a revival of the great Council of Moses, consisting of seventy of the priests and elders of his day; and thus, with the High Priest, the number of seventy-one composed the membership of the Sanhedrin. The name Sanhedrin is from the Greek *Sunedrion,* meaning a "sitting together." In the time of its zenith in point of power and purity during the rule of the Maccabees, the Jewish Sanhedrin was beyond question the most august judicial tribunal which the world has ever known before or since. In the number of its members, in the requisites of learning, courage, character and impartiality required for such membership; in the nature of its jurisprudence and detail of its procedure it surpassed any like assemblage which has ever administered the laws of any nation. But in the time of Jesus the Sanhedrin had fallen from its high estate. Upon the accession of Herod the Great, offended at the attitude of a large proportion of the Sanhedrin toward his schemes to rise into power, he caused forty-six of the seventy-one members of that body to be slain, and filled its ranks with creatures of his own choosing, headed by a High Priest of his own selection. From that time the Sanhedrin became the instrument of whatever cabal was in power at Jerusalem: With the rise of the House of Annas it had come to be completely under the control of that family and of their associates, including those who, at intervals, had also held the High Priestly office and were thus entitled to seats in the Sanhedrin. These, together with a few others of its membership who were allied in interest with the family of Annas, were of sufficient number to constitute at least a quorum of the Sanhedrin, which was fixed at 23. At the very time when the trial of Jesus occurred, if we may credit Josephus, the Talmud and other Jewish writings, the Sanhedrin was dominated by this High Priestly cabal to such an extent that its

meetings were no longer held in the Liskath Hazedith, or Hall of Hewn Stones, its proper and legal place of meeting within the sacred precincts of the Temple enclosure, but were convened in the Temple Bazaars, or in the Palace of the High Priest, and were attended chiefly by the members of this High Priestly clique or council.

There is one other fact or condition which should be recalled to your minds before we enter upon the details of the trial itself. That is the Messianic Expectation. I must again assume that you are familiar with the history and state of the Messianic hope among the Jews at that particular time, and also with the sort of a Messiah which their priests and scribes and rulers, the expounders of the law and the prophets, had themselves conceived and taught the people to expect, which was a Messiah who was to be the founder of an earthly kingdom and restorer of temporal supremacy, power and prosperity to Israel. This material Messianic hope and expectation had grown into a fever of intensity with the impress of Roman power, with its disregard of Jewish pride and prejudices, and with the growing burden of Roman exactions in the way of taxes. Between the dates of the birth and death of Jesus insurrections and revolts had frequently disturbed the peace of Palestine. The most notable of these was the revolt of the Zealots under the leadership of Judas the Gaulonite, which had its origin in the belief on the part of its fanatical adherents that the time was so ripe for the coming of the Messiah that a revolt would bring to pass the divine event.

Here then we have the elements from which our minds may form a picture of the state of things in Judea in the year 27 A. D. We have the Jewish people, their political independence gone, their old and pure religion degenerated into an involved network of unspiritual and burdensome observances imposed upon their daily life by their Priests, Scribes and rulers; ground down to, and ofttimes past, the limit of endurance by Roman taxes on the one hand and by their Temple tithes and tributes on the other; dissatisfied, turbulent and hopeless, save only for their Messianic expectation of a divinely sent deliverer from their oppressors and restorer of the throne and kingdom of David. We also have the Scribes and Pharisees, their teachers and exemplars in the laws and ritual of their religion, "blind leaders of the blind," proud, haughty, selfish, hypocritical sticklers for a ritual out of which the true spirit of religion had almost utterly gone. There, too, were the Sadducees, a small but opulent body of politicians, in favor with the Roman rulers and in possession of the Temple offices and revenues, which were being held and operated through a system of gigantic graft under the control of a

few High Priestly families of which the House of Annas was the head. Commingle these elements with the ingredient of hatred, the Judeans hating the Gallileans for their infusion of foreign blood and for their want of regard for the extreme ritual of the Temple service, and being hated in turn for their arrogant pride by the Gallileans. The Pharisees and Sadduccees hating each other, through old feuds reaching back for centuries, and through divergent views upon questions of religious faith and observance; and these, Jews, Gallileans, Pharisees and Sadducees, all hating in their heart of hearts their Roman rulers, although the Sadducees disguised their hatred under the hypocrisy of pretended regard and loyalty. Truly a very witch's cauldron of baleful and poisonous compounds was Palestine, and especially was Jerusalem, when Jesus of Nazareth appears upon the scene.

Into this discordant, desperate and turbulent state of Jewish society in the spring of 27 A. D. came Jesus of Nazareth, a poor and unknown carpenter from despised Gallilee, and from a town out of which Gallileans and Jews alike thought that no good thing could come. He first appeared at the Jordan during the preaching of John the Baptist, and was there hailed by him as the promised Messiah, the Lamb of God, which should take away the sins of the world. In April he went up to Jerusalem at the time of the Passover; and, entering the Temple, saw there established and in the full flush of successful operation the gigantic imposition and iniquity of the Temple Bazaars of the House of Annas. Possibly he himself had been unable to present a pair of young pigeons, the offering of the poor, unless he should buy them from the keepers of these bazaars at an extortionate price. Possibly he had found himself unable to exchange his Gallilean coins for the half shekel, his poll tax or Temple tribute, save at one of these favored money changers' tables in the Temple at more than the rightful rate of exchange. Doubtless with that deep insight which was ever his he saw that the popular heart was filled with the same righteous indignation which he felt at these extortionists and at their defilement of the Holy Temple. So, with sublime self-confidence and courage, he drove the dealers of doves and animals and the money changers from the sacred precincts of the Temple; and because his courageous act was backed by popular approval neither the Temple traffickers nor their principals, the Sons of Annas, dared to oppose or resist his assault upon their unholy trade. But they hated him for it from that day until his death; and from that hour Jesus of Nazareth was foredoomed to destruction by the Sadducees.

From the Passover at Jerusalem Jesus went forth upon his

ministry, preaching that the Kingdom of Heaven was at hand, and doing deeds of mercy and love to those most needing the ministrations of mercy and love, without regard to whether the recipients were Jew, or Samaritan or Gentile; and with no respect whatever for the elaborate ritual for days and deeds upon which Phariseeism depended for its hold upon the Hebrew people, for its very life as a Judean sect; and when the Scribes and Pharisees—for most of the Scribes were Pharisees—protested against his healing on the Sabbath day or against his disciples eating with unwashen hands, or against his own action in sitting at meat with publicans and sinners, he pointed the unerring finger of his logic and scorn at their ritual of observances out of which the spirit of true religion had utterly gone; and henceforth the Pharisees hated him and plotted his destruction, because they clearly foresaw that either Jesus must die or Phariseeism must perish.

And so, at various times during the brief period of Jesus' ministry, the Pharisees and the Sadducees had sought his life. At the Feast of the Tabernacle six months before his last and fatal Passover, and just after the raising of Lazarus from the dead, the High Priestly Council of the Sanhedrin resolved upon his death because of the fact that in Lazarus' resurrection they saw that a fatal blow had been dealt to Sadduceeism, through its disproof of their favorite tenet that there was no resurrection of the dead. Then it was that the High Priest Caiaphas conceived the crafty subterfuge that Jesus was a breeder of sedition, and declared that "it was better that one man should die than that the whole people should perish." From that day forth the deadly resolve of the High Priestly Council only awaited the appropriate day and hour to be carried into effect.

On Sunday morning, 9th Nisan, or about April 4, A. D. 30, Jesus of Nazareth, his ministry almost completed, came up to Jerusalem to lay the final foundations of his kingdom and church. He knew beforehand that he was coming to his predetermined death, and he knew the manner of his dying; yet, as was his right, he entered Jerusalem as a king and, amid the accompanying multitude waving branches and palms and singing the Great Hallel, 'Hozannah! Blessed is he that cometh in the name of the Lord." His action in thus entering Jerusalem as a popular idol was in itself a slight and affront to the rulers of the Jews; and hence, on the following day and the next two days, he was made the subject of every form of subtle attack which the wit of the Scribes, the Lawyers, the Pharisees and the Sadducees could devise. To their demand that he show a sign from Heaven of his authority, he responded with the question, "The preaching of John, was it

from Heaven or of men?" and utterly confounded his cowardly questioners. To another set of antagonists seeking to enmesh him in a dispute with the Roman authorities with their question about the tribute money, he responds with that sublime declaration defining the separate functions of church and state, "Render unto Caesar the things that are Caesar's and unto God the things that are God's," and again they are confounded. Then come the Sadducees with their entrapping question as to the resurrection, to which Jesus gives the equally sublime and equally silencing answer that "In Heaven there is neither marriage nor the giving in marriage, but its occupants are as the angels in Heaven." Then rose the Scribes to ask the question, born of their fine-spun sophistries, "Which is the greatest commandment?" and to receive the final crushing reply in that sublimest of all the sayings of Jesus, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the Prophets." With this crushing rebuke of the refinements and sophistries of the Scribes the questioning ceased on the part of his enemies; and then Jesus became the questioner. His first question puts in issue the whole subject of the Messiahship and its nature. He says, "What think ye of the Messiah, whose son is he?" They answer, "The son of David." That is to say, the successor and restorer of David's earthly throne. Jesus responded, "Not so, else why should David call him Lord?" That is to say, the Messiah is to be spiritually the son of God, and his kingdom is to be spiritual and is to be the Kingdom of God. And having said this, and in the presence of all the people he turned upon his questioners with that scathing denunciation of their whole unspiritual attitude toward the things of truth and righteousness and God, which has never been equaled in all the literature of excoriation, and which you will find in Matt. xxiii, 13, 39, beginning, 'Woe unto you Scribes, Pharisees, hypocrites." Thus did Jesus fill the cup of his offending to its overflow.

On Thursday morning the Council of the Chief Priests and Scribes and Elders met in the Court of the Palace of Caiaphas, the High Priest, and took counsel how they should put him to death "by subtlety because they feared the people." Thus, as we shall see, the arrest, the trial and the execution of Jesus of Nazareth had its very inception in illegality. The High Court of the Sanhedrin was no place for conspirators and conspiracies. It possessed none of the functions of a modern grand jury, and had no right or power to originate prosecu-

tions. Like every other court of justice worthy of the name, its only function was to receive accusations, issue processes of arrest, and try accused persons impartially, and in accordance with those forms of law which are framed for the protection of the innocent as well as for the punishment of the guilty. This was especially true under the rules of procedure which governed the Jewish Sanhedrin. The second illegal step followed hard upon the first. While the conspirators are in session Judas appears with his offer to betray his Master. Judas, if he was anything, was the companion, accessory and accomplice of Jesus in all that he had said and done. Under our law an accomplice may become the accuser, the minister and agent of justice in the arrest of criminals and the punishment of crime, but it was not thus under the Jewish law. The accomplice as an instrument of justice, as either accuser or betrayer, had absolutely no place in Jewish criminal jurisprudence. According to the refined strictitude of their law, the stream of justice must not be defiled by the use of an evil instrument at any point of its course. Judas Iscariot was, therefore, legally of no use to the ministers of the law, and his employment by the High Priestly conspirators as their agent in accomplishing the arrest of Jesus, and his action as such, constituted the second illegal step in the proceedings.

The third illegal step in the case of Jesus of Nazareth was that his arrest was accomplished at night. On that fateful Thursday afternoon and evening occurred one of those striking antitheses in human conduct which history occasionally presents to our view. While the High Priestly Council was sitting in the house of Caiaphas, engaged in their dark and illegal conspiracy against the life of the noblest and purest personality which has ever loomed above the mists of time, Jesus and his disciples were preparing to eat the Passover supper and to institute there the communion, that most spiritual and precious of all the ordinances of the Christian church; and during the course of which Jesus, with divine humility, exemplified the merit of service and delivered that tender message of love unto the restless heart of universal humanity, which begins, "Let not your hearts be troubled: ye believe in God, believe also in me," and which ends in that passionate intercessory prayer which, in the sublimity of its pathos and tenderness, is unequaled in all the annals of human speech. It was late that night when Jesus went forth as was his wont, unto the Mount of Olives; and there, about midnight, his arrest was accomplished with the aid of Judas and by the Temple Guard. This was illegal. Under the Jewish law no step in the prosecution of a person accused of a crime worthy of death could be taken at night, unless the arrest was made

while the criminal was in the very act of committing the crime. When Jesus was thus arrested and bound he was primarily taken, not before the Sanhedrin, but before Annas, the ex-High Priest, to be questioned, so the record states, "as to his disciples and doctrine." This was unlawful for two chief reasons. First, according to the Jewish law no member of the Sanhedrin, nor any other magistrate, could singly exercise any judicial function. The very lowest Hebrew court consisted of three judges, and this was in accordance with the law of Moses, which said, "Be not a sole judge, for there is no sole judge but one;" and its second ground of illegality was this: that in the Jewish law the same salutary provision existed which exists to-day in our own law, that an accused person could not be required to be a witness against himself. Why, then, was Jesus first taken before Annas? I am satisfied that the answer is to be found in the operations of human nature. When Thucydides had finished his history of Greece he said, "This history of Greece will be the history of the world so long as human nature remains the same." Applying this principle to the conditions which we have found existing in Jerusalem: a priestly clique controlling the politics of the Temple and city; a gigantic system of graft in money changing and in the sale of sacrificial offerings netting enormous revenues to a few priestly families; would we not naturally expect to find a master mind controlling the organization; a chief, a leader; or, to use the modern term, "a boss"; and we do find that master intellect, whose genius for intrigue, and whose inordinate lust for gain, had formed the High Priestly cabal and organized the Temple Bazaars, in the person of Annas, the Alexandrian Jew. Annas was the "boss" of Jerusalem and of the Sanhedrin; and it was therefore natural that to Annas the understrappers of the combine, the Temple Guard, should take Jesus as soon as they had accomplished his arrest. This touch of human nature seems very modern indeed.

When Jesus was taken before Annas the latter undertook, illegally as we have seen, to question him as to his disciples and his doctrine. In declining to be entrapped by this illegal inquiry Jesus planted himself squarely upon his rights as a Hebrew citizen under the Jewish law. He said, "I have spoken openly to the world; I taught in the Synagogues and in the Temple where all the Jews come together, and in secret spake I nothing: why askest thou me? Ask them that have heard me." That is to say in our modern legal phraseology, "I decline to be a witness against myself, and I demand that you produce the witnesses against me as the law requires. Thereupon, we are told, one of the sycophants of the Temple Guard struck Jesus in the face, saying, "Answerest thou the

High Priest so?" This is another touch of nature, proving the verity of the Gospel story in depicting the degenerate spirit and condition of the times. To the insult and outrage of the blow, Jesus, with simple dignity and direct reference to his legal rights as a citizen, replied: "If I have spoken evil, testify to the evil; but if well, why smitest thou me?"

We are then told that Annas sent Jesus bound to the House of Caiaphas, the High Priest, where the Chief Priests and Scribes and Elders were gathered together. This was supposed to be the Sanhedrin in session. How many of the 71 members of that once august tribunal were present we have no exact means of knowing, but that certain members were absent may be fairly certain. As to one of the absent members of the Sanhedrin this much may be said: It may be taken to be a certainty that Gamalial, grandson of Hillel, the greatest and purest lawyer of his time and a stickler for the strictest regard for legal forms and procedure in the sessions of the Sanhedrin, was not there. He surely would not have consented to attend an illegal session of the Sanhedrin; and that this session of the Sanhedrin was utterly and grossly illegal for several reasons we shall presently see. No session of any court could, under the Jewish law, be convened at night. The reason which the Rabbis gave for this seems whimsical, but after all it has a grain of wisdom in it. A legal trial, they said, was like a medical diagnosis of a patient's case; and, like such diagnosis, should be held in the daylight, where every aspect of the case can be clearly seen. In harmony with this rule the sessions of the Sanhedrin could only be legally convened after the morning sacrifice at sunrise and must close at sunset. This night session was, therefore, illegal. But it was unlawful for another reason deeply rooted in the Jewish ritual. No session of any court could be held upon a Feast day ,and especially upon a Feast day of such sacred significance as the day of the Feast of Unleavened Bread. This was the morning of that day. It had begun at the previous sunset, in accordance with the Jewish method of measuring days, a method which was as ancient as the time when the Book of Genesis was written, wherein, you will recall, it is recorded that "The evening and the morning were the first day." But the Jewish law in its strictitude went even further than this, for it prohibited the Sanhedrin from entering upon the trial of a criminal case on the day before their Sabbath, which, as you know, was Saturday; and this, for the reason that the execution of a capital sentence followed immediately upon the judgment, and could neither be conducted on the Sabbath nor could it be postponed over the Sabbath. Hence no criminal trial of a capital case could legally be entered upon on

Friday. This night session of the Sanhedrin was being held on Friday morning, before the hour of the morning sacrifice, upon a feast day, and on the day before the Sabbath, and was for all these reasons and for others yet to be noted illegal. But let us return to the House of the High Priest Caiaphas, and take note of those who were present or absent there. Nicodemus, the ruler or elder, who at that first Passover had sought Jesus by night to learn of things divine, was surely not there; for he could hardly have voted Jesus guilty of blasphemy and worthy of death, and yet within twenty-four hours thereafter have furnished a costly abundance of spices to embalm him for his burial; nor could Joseph of Arimathea have been there, for not only does the Scripture expressly state that he had not consented to the death of Jesus, but he it was who bravely begged the body of Jesus from Pilate in order that he might give it sepulture in his own tomb. Indeed, we may safely say that not one of that class of the membership of the Sanhedrin to which Gamaliel the upright lawyer, and Joseph and Nicodemus, the pious elders, belonged, were present at this illegal night session of the Sanhedrin, for all who were present, as we shall see, coincided in the judgment of conviction.

Who, then, were present? There were at least 23 members present, for that was the quorum. Let us reconstruct the membership of the Sanhedrin as it was on that fateful night, as profane history gives us their names:

(a) Caiaphas	The High Priest.
1. Annas	The Ex-High Priest and head of the House of Annas.
2. Eleazer 3. Theophilus 4. Jonathan 5. Matthias 6. Ananus	The five sons of Annas.
7. Eleazer 8. Joaser 9. Simon Cantharus	Three sons of the Ex-High Priest Simon Boethus, the Alexandrian, who had sold his beautiful daughter to the lecherous Herod the Great for the High Priesthood.
10. Ismael Ben Phabi	Also an ex-High Priest, and the handsomest man of his time, whose effeminate love of luxury was the scandal of his age.

11. Simon Ben Cantharus	Another Ex-High Priest, whom the Talmud ridicules for his hypocrisies.
12. John	A kinsman of Annas and a former High Priest.
13. Alexander	A Priestly partner of the sons of Annas in the Temple traffic. He it was who loaned Herod Agrippa 200,000 pieces of silver.
14. Ananias Ben Nebedeus	He who afterwards as High Priest delivered Paul to Felix, and who, according to the Talmus, was noted for his excessive gluttony.
15. Helcias	Keeper of the Temple Treasury, who gave Judas the 30 pieces of silver.
16. Sceva	An Ex-High Priest and the father of those seven sons who gave themselves up to witchcraft according to Acts 19, 13, 14.
	Lastly there was
17. Isachar Ben Keifar Barchi	Of whom the Talmus says. "Let Isachar Ben Keifar Barchi depart from here, who polluteth himself and profaneth the victims consecrated of God."

We have thus certainly identified 18 of the High Priestly membership of the Sanhedrin who were present during the trial of Jesus. They sat in a semicircle, the prisoner in the midst.

Let us picture Jesus as he stood there, in the word painting of W. W. Story, the great American poet and artist in his "Roman Lawyer in Jerusalem":

> "Tall, slender, not erect, a little bent,
> Brows arched and dark, a high ridged, lofty head,
> Thin temples, veined and delicate; large eyes,
> Sad, very serious, seeming as it were
> To look beyond you, and whene'er he spoke
> Illumined with an inner lamping light;

At times too gleaming with a strange wild fire,
When taunted by the rabble in the streets;
A Jewish face, complexion pale but dark;
Thin, high-cut nostrils, quivering constantly;
Long nose, full lips, hands tapering, full of veins;
His movements nervous, as he walked he seemed
Scarcely to heed the persons whom he passed,
And for the most part gazed upon the ground;
Or lifting up his eyes, seemed as it were
To look far through you to some world beyond."

The trial at once begins; and here we note another essential infirmity of this tribunal at the very inception of the trial. It consists in the prejudice of its members towards the accused. The Hebrew law required absolute freedom from all interest in the result of a trial, and the entire absence of all prejudice against the accusd. Yet here was Jesus surrounded by a hedge of hostile judges, already determined upon his death. Notwithstanding this vital disqualification, the trial of Jesus proceeded before this scant and hostile and unlawfully convened quorum of the Sanhedrin. We are told by Scripture that "They sought false witness against Jesus, but found it not, though many false witnesses came." At length two came who testified that Jesus said: "I am able to destroy the Temple of God and to build it in three days." But the record further says that "Not even did these witnesses agree together." These statements of the record are significant for several reasons. Under the Jewish law, as far back even as the time of Daniel—for you will doubtless recall the case of People vs. Suzannah—no person could be convicted of a capital offense except by the testimony of two witnesses to the direct charge, who, in all respects, *agreed* in their testimony; any disagreement between the two witnesses entitled the accused to an acquittal, and he could not even be questioned with respect to the testimony of these witnesses; and this also discloses the next illegal step in the course of this mockery of a trial, when Caiaphas, the High Priest, in violation of the law above quoted, said to Jesus: "Answerest thou nothing? What is it these witnesses say against thee?" Jesus, standing strictly upon his rights as a Jew under the law, is said to have "answered not." The case of the prosecution had utterly failed. The prisoner stood entitled to an acquittal under the law. Then it was that Caiaphas, defying every principle of Jewish justice, and violating a fundamental rule of procedure which forbade that any member of the Sanhedrin should be an accuser, put to Jesus a crucial question which he had no lawful right to ask or have answered; and he even put it in the form

of an oath which the Sanhedrin had no right to require of any accused person; he says: "I adjure thee by the living God that thou tell us whether thou be the Christ, the Son of the living God?" This question Jesus could have refused to answer under the law; but it was the one question of all questions which *Jesus* would not refuse to answer; and hence, knowing all the consequences of his reply, Yes; knowing that "his hour had come," with infinite courage, with sublime devotion to the divine truth which underlay his mission and life on earth, he answered: "Thou hast said: I am"; and thereupon, we read, the High Priest "rent his clothes" and exclaimed: "He hath spoken blasphemy. What further need have we of witnesses; behold now ye hath heard the blasphemy, what think ye?" and they all answered and said: "He is worthy of death!"

Let us dwell for a moment upon the several gross irregularities which this brief record discloses. The High Priest "rent his clothes." It was the custom among the Jews to show their horror and detestation of blasphemy by rending their clothes; but from this custom the High Priest was expressly excluded, for the reason that the garments of the High Priest were the sacred symbols of his exalted office, and were under no circumstances to be rent. In the next place, the High Priest had no right, at that stage of the trial, to express any opinion as to the guilt or innocence of the accused; for, under the Jewish law, no member of the Sanhedrin could be heard to say *anything against* an accused person until someone of their number had spoken in his favor; and even in the most desperate cases the vote could not be taken until some member of the tribunal had summed up the case in his favor. But aside from this error, the High Priest had not the right to vote or utter his opinion as to the guilt of the accused until every other member of the Sanhedrin, present at the trial, had recorded his vote, beginning at the youngest and proceeding in the order of age; and this for the reason that the younger members of the tribunal might not be influenced in their judgment by the opinions of the High Priest or of the elder members thereof.

But the High Priest, by rending his clothes and prematurely announcing his judgment, violated the Jewish law in a yet more essential regard. The defendant had a right to be heard and to produce witnesses and proofs in his own behalf. This right was denied him; and in the case at bar and in respect to the offense of which this particular prisoner stood accused this denial was a most vital and essential violation of law. The charge was blasphemy. It consisted, if at all, in the answer and statement of Jesus that he was "The Christ," or, in other words, the Messiah of Hebrew prophecy, promise

and hope. If he was the Messiah he was the "Son of God," as the Jews had for centuries interpreted that prophetic phrase. When, therefore, Jesus asserted that he was the Christ he could not be guilty of blasphemy until his assertion were proved untrue; or, at the very least, until he had been given the opportunity to prove in his own behalf the truth of his assertion. We, who read the whole Scriptures in the clear light of our modern perception, know how fully, how completely, how convincingly the proofs of the divine nature, mission and ministry of Jesus of Nazareth were at hand and available to the members of the Sanhedrin at his trial, had they the will to seek or the spirit to receive the proof. There were the prophecies and promises of their own sacred Scriptures all pointing an unerring finger at the lonely figure standing in their midst; there was the indisputable history of his family, his birth place, his birth, his residence, his life, all in perfect accord with prophecy and in harmony with the spiritual requisites of the Messianic personage who was to come. But the Sanhedrin, as we have seen it constituted, had no eye or ear or heart for these things; and hence, in utter violation of right and law and reason, with one voice, they adjudged him guilty of blasphemy and worthy of death.

But this judgment thus illegally arrived at was not yet sufficient under their procedure to be final, or to accomplish their deadly purpose. The Jewish law required a dual trial, upon separate days, of every person accused of a capital crime. Hence we find the accurate Gospel record showing that the Sanhedrin adjourned to meet again in the day time and after the morning sacrifice. The second trial should, in accordance with their law, have been conducted with all of the formalities of the first trial, and with all of the legal rights of the accused person preserved. But apparently the members of the Sanhedrin had resolved upon the conviction of Jesus with only the flimsiest pretext of compliance with the forms of law. There were many reasons for this desperate haste, which we have not time to review here; but one of the chief causes of their unlawful expedition consisted in the fact that they must yet secure the judgment of the Roman Procurator before they could accomplish the death of their victim; and they must do this before that day ended, for the morrow was their Sabbath, and no offender could lawfully undergo execution upon the Sabbath; nor could a Sabbath day intervene between the condemnation and death of a malefactor without rendering the judgment void.

Hence, in the early hours of Friday, after the morning sacrifice, the Sanhedrin reassembled, and abandoning every other accusation against Jesus, went immediately to the

charge of blasphemy, the High Priest repeating the question, "Art thou the Christ?" To this question, the Gospel of St. Luke informs us that Jesus made at first the significant reply, "If I tell you, ye will not believe; and if I ask you ye will not answer." Here we have stated in a sentence the exact law and irresistible logic of the situation. The Sanhedrin legally and logically were bound either to accept the statement of Jesus that he was the Messiah, or else they were bound to disprove it. But Jesus knew they would do neither. And hence again the High Priest puts the question, "Art thou the Son of God?" Jesus, with the same sublime faith and courage as before, replies, "I am." And again he is immediately and illegally voted worthy of death.

Having thus doubly adjudged their predestined victim to death, the priestly conspirators found themselves confronted with a stubborn fact standing in the way of his execution. Two years before this time the power over life and death had been taken away from the Sanhedrin by their Roman rulers and lodged with the Procurator. It was, therefore, essential that there should be a Roman trial of Jesus before he could be condemned to death. Hence it now became necessary that Jesus should be taken before Pontius Pilate for a further, or Roman, trial.

What was the jurisdiction of the Roman Procurator, and who, and of what character and qualities, was Pontius Pilate? The Roman Procurator was the personal representative of the Emperor, with all of the power which the Emperor himself might have exercised if personally present. The Romans were the great law-givers of their age. The Code of Justinian constitutes the great substratum of the laws of Europe to-day. An elaborate system for the conduct of trials existed at this time throughout the Roman Empire; but this, while followed in the trial of Roman citizens and in the more quiescent provinces, was not closely adhered to in such turbulent states as Judea in the trial of accused persons who were not Roman citizens. The Procurator of Judea was in such cases largely left to his own discretion as to procedure; and from his judgment, however arbitrary, there was no appeal or redress except in the way of a complaint to the Emperor. There is a point in the Roman procedure which we must especially note at this time. It was the rule that when the Procurator undertook to review a case over which the Sanhedrin had original jurisdiction, it was his duty to proceed along the lines of the Jewish jurisprudence, and to review the case as to its conformity to their procedure, or, in other words, to hear the case in the capacity of an appellate tribunal. It was also the custom of the Procurator when an accusation was laid before

him to first interrogate the accused person apart, or, in our modern terms, to hold a preliminary examination, for the purpose of determining whether there was sufficient basis for the charge to warrant either a review of the Jewish trial or an original Roman trial of the cause.

Bearing these two points in mind, let us bring before us the personality of the Roman Procurator. Pontius Pilate was, according to the quite accurate identification of profane history, a native of Seville in Spain. His father, Marcus Pontius, though a Spaniard, had been a renegade to the cause of his countrymen during the wars by which Spain had been conquered by Rome, and as a reward for such service had been given the public honor of being presented with the javelin, or *Pilatus,* which entitled him to add the title, Pilatus, to his family name. His son, Pontius Pilate, appears to have followed Germanicus through the German campaign with enough of sycophancy, if not of distinction, to introduce him favorably to Roman society upon his return from the wars, and thus enable him to become the successful suitor for the hand of Claudia, the daughter of Julia, and granddaughter of Augustus. That Julia had been one of the most dissolute and shameless women of her age; that her father, Augustus, on account of her lewdness and debaucheries, had been obliged to banish her from Rome, and that her daughter, Claudia, was the illegitimate offspring of an intrigue with a Roman knight during the period of her banishment, mattered not to the son of the Spanish renegade, ambitious of promotion; so, having won the favor of Tiberius and the consent of Claudia, the marriage was consummated; and immediately thereafter Pilate received the Emperor's commission as the Procurator of Judea.

In order at this point to gain a yet clearer conception of the character and acts of Pilate, it is necessary to take a fleeting glimpse at the character of his master, Tiberius.

Tiberius Caesar was the most morbid, jealous and capricious tyrant which had, thus far, donned the imperial purple as Emperor of the Roman world. The slightest suggestion of treason in any part of his empire aroused his suspicious temperament to intense activity. Tacitus records 52 cases of prosecutions for treason during his reign, many of these for the most flimsy and trivial causes. Such being the character of Tiberius, and such being the origin of Pilate, and such being the relation which he had established with the Emperor through his marriage with Claudia, it is easy to see that the attitude of the Procurator of Judea, the scheming sycophant of the suspicious Tiberius, would be the same as that of his jealous and capricious master toward any person suspected of treason. Such we find to have been the precise attitude of Pontius Pilate

during the nine years of his Procuratorship to the date of the trial of Jesus. On three several occasions he had brought himself into hostile relationship with the Jews by his sycophantic desire to make a display of his loyalty to Tiberius. He had come to regard the Jews with scornful contempt, and yet also with a certain feeling of fear lest they should by some complaint of his administration lodged at Rome, awaken the suspicion of Tiberius, with the result of his removal from place and power. That these apprehensions on the part of Pilate were well grounded we learn from Josephus, who relates that Pilate in fact lost his position as Procurator through just such a complaint; and that within a year or so after the crucifixion of Jesus.

It was from Josephus also and not alone from the Scripture record that we learn that sycophancy and vaccilation were the two dominant traits of Pilate's character; and we shall presently see how perfectly in accord are the sacred writers and the Jewish historian in this respect. Such was the Roman Procurator; such was the personality of Pontius Pilate before whom the High Priestly conspirators were about to take Jesus of Nazareth for trial upon some charge which would result in his condemnation to death.

It was the custom of Pilate to reside in the Palace of Herod the Great when he came up from his capital, Caesarea, to Jerusalem, which he was wont to visit during the Jewish festivals in order to see that peace was maintained. Let us follow the company of Jews having Jesus in custody to the Palace of Herod during the early hours of this Friday morning of the 14th Nisan. We arrive at the palace gates; and just here an interesting fact is to be noted as fixing the precise day of the event and also as shedding a strong light of probability upon the accuracy of the Gospel narrative. We are told by John "that they entered not into the palace that they might not be defiled, but might eat the Passover"; and this we find to be in exact accord with the Levitical ritual, by which a pious Jew might not enter a Gentile household during the time of Passover, lest by entering a house which contained "leaven" they should suffer ceremonial defilement, and could not, therefore, without a long ceremony of purification, partake of the unleavened bread of the Passover. Thus we find these Priestly accusers of Jesus willing to do him to death in the grossest violation of law, and yet halting at the gates of the Pretorium in pretended regard for the ceremonial law. What a striking example of the presence of form and absence of spirit from that Pharasaical element of Jewish society, which Jesus had so scathingly arraigned only two days before, when he said: "Woe unto you Scribes, Pharisees, hypocrites, for ye tythe

mint and anise and cummin, and have left undone the weightier matters of the law, judgment and mercy and faith."

The prosecution embracing Jesus and his accusers, having thus been halted within the outer porches or courts of the palace, we are told by the record that Pilate went out unto them. In thus indicating that the judgment seat of Pilate was in these outer courts of Herod's Palace the Bible record is again found to be in exact conformity with the historic fact, which is that the Tribunal of the Roman Procurator was located in front of the entrance and between the great marble wings of the palace upon an elevated spot called the "Gabaatha" in Aramaic, and the "Lithostraton" in Greek. The tribunal was thus raised in conformity with a maxim of the Roman law that all criminal trials should be conducted from a raised tribunal. The ivory chair of the Procurator was placed upon this eminence, and there Pilate, having taken his seat, asked the first question, which, under the Roman law the Judge must ask, "What accusation bring ye against this man?"

This question on the part of the Procurator placed the priestly accusers of Jesus between the horns of this dilemma: If they said, "We have tried and condemned this man to death for blasphemy, which is the highest offense under our law," Pilate would at once have responded, as was his right and duty: "I will review your trials according to your law to determine whether this person has been legally tried and condemned." Such a review would at once have disclosed the illegalities of the Jewish trials and entitled Jesus to be released. On the other hand, if the Jews said, We have not yet tried Jesus for blasphemy or any other offense against our law, Pilate would have said, as indeed he presently did say: "Take him yourselves and judge him according to your law." This would not suit their deadly purpose, for they had not the power over life and death; so the cunning Jews attempted to divert Pilate from an inquiry into the merits of Jesus' case by saying: "If this man were not an evil doer (or a malefactor) we would not have delivered him up to thee." But Pilate was not to be thus diverted, and hence the Jews were forced to abandon their former charge and judgment of blasphemy, and to formulate a new accusation, viz., treason against Caesar; and so the record tells us that they began to accuse him, saying: "We found this man perverting our nation, forbidding to give tribute to Caesar, and saying, 'I am Christ, a King.'"

Let me at this point ask you to recall to your minds that immortal picture of this Roman trial, which Munkacksy has given to art in his "Christ Before Pilate,," for the purpose of giving vividness to the scene.

When the eyes of Pilate rested upon the face, and figure,

and bearing of this lonely man, surrounded by his priestly enemies, who answered not a word to the vehement accusations of the High Priest, he must have realized that he had no ordinary offender before him; no Judas the Gaulonite; no Barabbas the robber; no fierce and half-savage fanatic or zealot who had been arrested in the act of perverting the nation, resisting the tribute or inciting the Jews to revolt; and he, therefore, proceeded to do the thing which under the Roman law it was customary for the Procurator to do. He retired into his palace, taking Jesus with him for the purpose of holding a preliminary examination, and when he was alone with Jesus he put to him the searching question: "Art thou the King of the Jews?" And then Jesus for the first time did that which for the first time during his trial he was not legally bound to do. He broke his silence to ask the pertinent question, "Sayest thou this of thyself, or did others tell it thee concerning me?" The meaning of this counter question was this: Jesus simply desired that the standpoint of the Procurator be defined. Did Pilate ask the question from a Roman or a Jewish point of view, from a temporal or a spiritual standpoint? In other words, he said, "Do you wish to know whether I claim to be an earthly king, and am thus in opposition to the Roman power; or do you voice the Jewish idea that I claim to be the promised Messiah of the Jews?" If the first was the purport of Pilate's question it called for one reply; but if the second, for quite a different reply. Pilate answers, "Am I a Jew?" By which he meant to say: "I ask the question as the Roman Procurator, looking only for violations of the Roman law." Jesus then answered: "My kingdom is not of this world." This constituted a denial of the accusation in the Roman sense, without being a denial, but rather an affirmation of his kingship in the spiritual and Messianic sense.

But this word *kingdom* struck upon the sensitive and suspicious ear of Pilate; and looking upon this prisoner bound before him, so majestic in his simplicity and self-composure—so unlike all of his preconceptions of any pretender to kingship, he asked in a spirit of incredulous wonder, "Art thou, then, a king?" And to this question Jesus made that reply which has come down the ages as the keynote of Christianity, "Thou sayest that I am a king; to this end was I born, and for this cause came I into the world, that I should bear witness unto the truth; everyone that is of the truth heareth my voice." And thereupon Pilate put to him that question which is the ever-recurring question of the ages, "What is truth?"

How strange a question for Pontius Pilate to ask. Did he ask it in a spirit of irony of the one being in all the world who could have given him the answer he did not await? So Bacon

seems to have believed when he wrote, "'What is Truth?' said jesting Pilate, and would not stay for an answer." However this may be, the record tells us that Pilate immediately went out, and mounting his judgment seat rendered his judgment of acquittal in the words: "I find no crime in him."

The proceedings before the Roman Procurator had up to this time been conducted with all of the formalities of a regular Roman trial, and Pilate had thus far acted as a just and fearless Judge. But from this time forth until his craven reversal of his righteous judgment of acquittal and his cowardly and illegal entry of the judgment of conviction of an admittedly innocent man, the proceedings before Pilate were irregular, tumultuous and altogether unworthy of a Roman court of justice. The subterfuge of Pilate in sending Jesus to Herod Antipas at the Palace of the Maccabees, where he was temporarily residing during the Passover, and the return of Jesus by Herod, "that cunning fox," clad in the royal purple, to indicate that he, as Tetrarch of Galilee, had no juisdiction to try one charged with treasonable designs upon the kingship in Judea; the conduct of Pilate in proposing the compromise judgment of "scourging the prisoner whom he had acquitted, and letting him go"; the proposal of Pilate to release Jesus under the law or custom requiring the release of one imprisoned Jew during the Passover; the momentary resolution of Pilate to stand by his just decision, inspired by the message from his wife, Claudia, to "have nothing to do with this just man," and the final debasement of his character as a man and his conscience as a Roman Judge in weakly yielding to the Jews when they threatened to complain to Tiberius, in the words, "If thou let this man go thou art not a friend of Caesar. Whosoever maketh himself a king speaketh against Caesar;" and lastly, and after he had rendered his unjust and unlawful judgment, his dramatic act in calling for a basin of water and washing his hands before the spectators, saying, "I am innocent of the blood of this just man," followed by the exultant cry of the priestly accusers, "His blood be upon us and upon our children"—all of these incidents of the latter stages of the trial briefly and simply narrated by the Gospel writers, are so accordant in every detail with the Pilate of history, with the quality of Jesus' accusers, and with the decadent spirit of the place and time, as to compel our belief in the verity of the Scripture recital. There are many interesting sidelights which might be thrown upon the scene at this point, such as the discovery at Turin, Italy, in about the eleventh century of certain ancient manuscripts purporting to be "Acts of Pilate," and embracing a detailed account or record of the Trial of Jesus. The current of modern criticism is

against the genuineness of these documents as a contemporary account of the trial, but the interesting fact remains that the three greatest early Christian writers, other than the apostles, Justin Martyr, Tertullian and Eusebius, all refer to a then existing record of the trial, crucifixion and resurrection of Jesus, called "Acts of Pilate," and officially transmitted to Tiberius after the occurrence of these events.

With the judgment of conviction of Jesus of Nazareth by the Roman Procurator ended the greatest legal trial in all history, whether viewed from the standpoint of the person of the accused, or the nature of the accusation, or the jurisdiction of the two tribunals before which the trial occurred; or from the after effect upon the history of mankind. It is not within the limitations of my time and subject to relate the story of the execution of that judgment, nor attempt to show the striking accuracy of the Scripture record to the known history of the place and time. Suffice it to say, in conclusion, that the cross raised on Calvary on that tragic afternoon of Friday, the 14th of the month Nisan, in the year 30 A. D., outside the gates of Jerusalem, has been the blessed symbol of sacrifice, of hope, of freedom and of justice for humanity from that day to the present hour, and that it will continue so to be "until the kingdom of this world shall become the kingdom of Our Lord and of His Christ, who shall reign forever and ever."

The Trial of Jesus

ITS LEGALITY FROM A JURIST'S VIEWPOINT.

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"All history," said the lamented Master Maitland, in a memorable epigram, "is but a seamless web, and he who endeavors to tell but a piece of it must feel that his first sentence tears the fabric."

This seamless web of the legal status of the trial of Jesus unites inseparably the story of that period in the world's history which ante-dates the dawn of the Christian Era with the nineteen centuries which have since passed.

The history of law is made up of two movements—racial and intellectual. One is the Germanic migrations planting custom everywhere; the other the posthumous power of the Romans. One cannot be understood fully without tracing the other.

The demand for a settlement of the much mooted question raised by the subject is found in the spirit of the times—the craving for more knowledge.

If the trial of Jesus was illegal in its detailed aspects, it was but one of many others which have been held of equal gravity and with like penalty—death—since; and it may be added the same errors in law and judgment are the almost daily creatures of this day of enlightenment and progress.

The authorities offered in support of my argument need no introduction. It must be remembered that the history of the law of the time of Jesus and of today is but the embryology of a set of ideas which have crystallized into form. The first chapter treating on this subject will be more in the nature of a statement of certain facts than of argument.

Whether the spirit of the human is of divine origin, or whether it, like the life of the grass and tree, springs from the great God Nature is not considered or discussed herein. In no sense is it an issue.

The cannons of scientific evidence justify us neither in accepting nor rejecting the ideas upon which the various religions of the world repose. All parties to the dispute beat

the air and worry over their own shadows. Belief is but a hope that is won and lost. Metaphysics can no longer claim to be the corner stone of religion. Around the ideas promulgated by bishop, priest and clergy, she throws her bulwark of invisibility.

The essence of positive philosophy is that man passes through three mental periods; the Theological or fictitious; the Metaphysic or abstract; the Positive or scientific. It is not with any of these three general philosophies or systems of conception concerning life or destiny that we have to deal.

The real man of faith is one who discards all thought of "how it happened," but fixes his mind on facts and conditions. The preacher of today no matter whether he be Brahmin, Buddhist, Methodist, or Catholic, is simply society's walking delegate. To profess to know that which we cannot know and prove places a penalty on advancement.

The presentation of argument which will follow is not written in controversial spirit. The writer has no time to waste in quarreling with people who do not dare to be convinced and who ridicule everything which is beyond their limited outlook. It is of little consequence in the light of past experiences whether the trial of Jesus was strictly legal and in accord with the law of the land. The general holding is that it was not. By many the opinion is entertained that it was one step in the era of destiny; that it was to be as it was. In discussing this question it must be borne in mind that theology has to do with more than the so-called Christian belief. There are over one hundred doctrines all dealing with a future life, and all tending to education in a higher development, all pointing out the good which follows their belief. We make our fortunes and we call them fate. The sum total of destiny is most pronounced in Buddhism. In Sir Edward Arnold's "Light of Asia," we read:

> "Before beginning, and without an end
> As space eternal and as surety sure,
> Is fixed a Power divine that moves to good,
> Only its laws endure."

> "If he shall labor rightly, rooting these
> And planting wholesome seedlings where they grew;
> Fruitful and fair and clean the ground shall be
> And rich the harvest due."

Not from birth does one become a slave; not from birth does one become a saint; but by conduct alone. It is not the purpose of this article to usurp the functions or the privileges of the ecclesiastic. To the preachers will be left the discussion of theological problems. With the discussion which follows, the immortality of the soul and the divinity of Jesus are not

an issue. No digression from a strict adherence to a secular discussion of the legal rights of *the man* Jesus at the bar of *human* justice has been intended.

I am well aware that when an unfamiliar or an unpopular doctrine is presented to the world, one hears in reply the cry "What are your proofs?" It may not be easy to guess what is meant by such a question; one certainly can infer that it indicates a certain confusion of mind on the part of the questioner. It is probably the result of a habit, which our minds have acquired in consequence of too much worship of the inductive method used. In other words, modern science demands something more than hope, something more than faith, something we can call evidence of the fact. This is required of both sides to the argument as to the legality or illegality of the trial of Jesus. It is easy to reason out to one's own satisfaction that the trial was illegal in all its aspects because we have been taught to believe it to be so, but it is not so easy for us to maintain that it was legal in form and feature unless we have back of us the indisputable proof of the fact upon which we rely, because it is antagonistic to the general belief of the so-called Christian world. We are required to prove our position much in the same fashion as we would a problem in geometry.

Let me say in the beginning as a word of explanation of what is to follow, that dating back to the earliest periods in the history of mankind, when there was but one Gnosis or Knowledge embracing all—long before the Religions, Sciences and the Philosophies were else than a system of wisdom—good, the terms Heaven and Hell were understood in a far different light than they are today. The word Heaven means, and has always meant, Harmony; while Hell long before it took on the old English meaning meant Bad. The early definition given it in English literature was "to separate, to build a wall around." The first a condition where one was in right relation with all else, the latter a situation where one was in wrong relation with all surroundings, where one was restrained, held and shut off from the best in life. The very idea of restraint implies all that Hell ever was, or is today supposed to be.

Whether the apocrypal Acts of Pilate are authentic, is a point the scholarship of the world will never settle; it is as fair to assume that they are genuine as that the compilers of the Old and New Testaments handed down to us true translations and genuine documents upon which the Christian of the Twentieth Century relies.

The acts of Pilate were undoubtedly discovered at Turin in Northern Italy, about A. D. 100. Reference will be had to them later on and they will be published as a part of this arti-

cle as first used by the noted New Testament palaeographer, Dr. Constantine Tischendorf, and the celebrated Orientalist, Victor Amedee Peyron, Professor of Oriental languages in the University of Turin, as being an accurate copy of the document mentioned by Justin Martyr in the year 138 A. D. and by Tertullian about the year 200 A. D.

It is not intended to question the genuineness of the books nor the works of the compilers of the Bible, but wherever these seem to come in conflict with the authorities cited in support of the position here taken, it is due the writer to say, the names of the compilers are not known and much of the data is in dispute; the books of the Old Testament as they exist today were mentioned by Rabbi Judah in the second century, just as the acts of Pilate were referred to by an equal authority. The cannon of the New Testament was established late in the fourth century. Religious leaders and church councils made up the cannon of Scripture from what material they had at hand. Many books that were at one time included in the original Scriptures were afterward dropped out as unworthy. In those left out, there was too much in conflict with that which was left in. The books of Apocrypha have generally been omitted from the Old Testament, while the Acts of Paul, the Revelation of Peter are no longer found in the New. It is of record that over two thousand changes were made in the copying of the manuscripts. True, many of these were of minor importance. Since the manuscripts were copied in the first instance over twenty-eight hundred material changes have been made as relating to the definition and construction of words, many of which are of prime importance. Over eight hundred minor changes have been found in older manuscripts than were known at the time of the King James version.

Numerous authorities have been consulted touching the subject matter which have heretofore never been considered. In this century of study and research, we must draw upon them from all places in order that fact may be presented rather than fiction.

Among other authorities to which reference will be made herein are original documents from Taxila, now at Simla, India, dating back to A. D. 326; these documents are also supported by copious extracts from the writings of Rabindranath Tagore, one of the great teachers of the Rishis.

Let me as a preface to what will follow say: It is not contended, rather it is admitted, that the life of Jesus was one of service, that his work of scattering seeds of thought and love by each wayside became glorious fruitage of a grander day. I believe that he was filled with the loftiest sentiments that have ever blossomed in speech and that he cherished all that he

believed to be pure, defended what he believed to be right, and attacked without mercy all that he knew to be wrong. His masterly appeals proclaim Him the teacher of his time. His was a great unselfish soul, spanned with radiant bows of faith, and yet the religion which he taught was not unlike other religions which had come long before.

No thinking person now accepts as anything but primitive myth or fanciful poetry the story of the Garden of Eden, or the portrait of God in the second chapter of Genesis as a being who formed man out of the dust of the ground as a child fashions an image out of snow or clay. The Creator is for modern men a sleepless, active energy and will, which yesterday, today and forever actuates all things, as the human spirit actuates its own body, so small and yet so inconceivably complex.

By savage man the gods were recognized chiefly in the irresistible catastrophes of nature, in the lightning, the earthquake, the flood and the drought, the volcano and the mighty wind. Twentieth century people recognize God chiefly in the wonderful energies of sound, light and electricity, in the vital processes of plants and animals, in human loves and aspirations, and in the evolution of human society. Through the application of the inductive method the human race has within a hundred years gained the power of applying prodigious natural forces to beneficent human uses. In so doing it has obtained great spiritual advantages in new conceptions of God and nature.

None of the advances of science and government have any adverse effect on the conception of Jesus as teacher and exemplar. The sciences have their own prophets, martyrs and heroes, for whom all worthy scientific men feel profound reverence. Literature and art have their great masters, whose works survive for centuries, and long continue profoundly to influence select human spirits.

Jesus, the amazing product of the Hebrew race and of the Hebraic history and tradition, is the supreme teacher of religion, whose teachings, imperfectly transmitted by the groups of simple people to whom He spoke in the language and the atmosphere of an obscure province, and soon corrupted in the great Greek and Roman world, have, nevertheless, proved to be the undying root of all the best in human history since He lived. For this personality the love and reverence of mankind are always ascending and always glowing with greater warmth and brilliancy, as the clouds which gathered out of paganism around his doctrines are gradually dispelled.

The church of the future will reverence more and more the personality of Jesus, and will dwell on the extraordinary

qualities of his teaching, as proved by their historical effects during nineteen centuries. He laid down ethical principles of the purest worth, which are good for all time, but which were so crushed and overborne by the existing currents of thought and the social institutions of his day that they have been struggling for recognition ever since they were uttered, and still lack their intended fruition.

As a rule, men of science have no faith in magic or miracle. They have a passion for truth and fact, but no liking for mere speculation or for theories based solely on men's institutions. Nevertheless they are liberal and comprehensive in their ideas of truth and fact; and so they put religion itself, the history of mankind and the history of language into the region of truth and fact where men of the most scientific spirit and perfect candor may labor with profit. In this sense the religions of the world are a legitimate field for scientific investigation. Of course, that religion will be most sympathetically explored which seems to the explorer to have been of most service to human society.

Men of science also include, among proper fields for scientific investigation the whole field of man's mental operations, emotions and passions in regard to their sources, inter-relations and reciprocal effects. Cautious experimenters, therefore, study with increasing amplitude and success the reactions of mind and body, of mind on mind and of one will on another will. In other words, science affirms rationality and believes that man's whole nature is attuned to the nature of the universe and its God.

We come now to the consideration of the question of whether Jesus was tried in a court of law, whether the sentence of death pronounced against him was at the hands of a judicial tribunal, for an infraction of the law's decrees as then and there in force. Was the trial which resulted in his conviction a fair trial, according to due process of law? Were the things which were charged against him as an offense against the prevailing law of the land? Was the evidence offered in support of these charges competent, and did that evidence support the finding of "guilty"? Did Jesus receive every right to which he was entitled under the law of the land under which he was tried, which was guaranteed to those accused of crime?

Bear in mind that in considering the above propositions we must leave out of consideration for the time being the divinity of Jesus and treat him as a *human-man* alone. Having this in mind I can come to no other conclusion than that the sentence was a legal sentence, which affirmatively answers each of the propositions above.

The general idea which prevails and which is entertained

throughout all Christendom is that Jesus was not tried or condemned in a court of law. The common understanding of this event fails to embrace any impression of judicial order or of system. The public generally entertain the notion that Jesus was the victim of a frenzied mob, and that his execution was what we would call in the present day the operation of lynch law. Especially is this so as applied to the United States. Notwithstanding this prevailing impression, it is my contention that the authorities throughout establish the fact that his destruction was wrought under the operation of an exact system of government, law and judicial procedure; that this trial which is pronounced legal, was in a Roman forum.

There were two trials of Jesus. The first was not maintained. It was more in the nature of a farcial examination, in which the sentiment of the people, those of the Sons of Israel who prosecuted him were unable to maintain their contentions, and the finding of the Great Sanhedrin when the case finally came for a review and affirmation before Pilate. The judicial powers of this last Court of Appeal as reflected in Pilate. were absolute, he officiating as procurator of the Emperor. He could not sit and act as a trial judge but only in his executive capacity as Roman Governor. It must be borne in mind that at this time Judea had been conquered by Imperial Rome, and was then a province of that Empire.

In the first forum in which Jesus was arraigned the hearing was in every sense ecclesiastical. The great body of seventy-one members comprising the high priests, the elders and the scribes of the Sanhedrin alone were to pass upon the guilt or innocence of the man charged before them. This was the Jewish trial. It is my contention that the full quota of members of the Sanhedrin were present and officiated at the trial of Christ; yet I believe that there was much that was farcial in this hearing. The inflamed minds of the populace, the passion of his accusers, must in the very nature of things have operated to have influenced the minds of those who eventually were to pass upon the guilt of the prisoner. Yet it must be borne in mind that while the finding of the Sanhedrin members was adverse to the accused, this finding was set aside when it was referred to Pilate who dismissed the appeal with the word "I find no fault in this man."

These were words which are properly applicable to the judicial decision in the review of the trial before the Jewish court. The case was not dismissed for irregularity, so far as we know it was not urged or claimed that there were any illegal features touching the entire hearing, or in affecting the jurisdiction of the court. But the case was *absolutely dismissed*

because the verdict was not in accordance with the facts presented in support of the charge.

Much has been said derogatory to the Jews as a people because of the fact of the trial of Jesus in their great court, and because they appeared as his prosecutors and accusers. This I find to be unfair for the reason that they and they alone were affected, if at all, by Jesus' acts. They regarded him much as we of today do the labor agitator, or the man who breeds sedition and favors anarchistic rule. If the people of the race of Israel were carried away by their belief that Jesus was a disorderly character and trouble maker, one who was breeding dissension and creating a disbelief in existing conditions and laws, they did not go the length that many communities have in that regard since the Christian Era. Selecting Russia and England as shining examples of states that have ostracized and penalized hundreds and thousands for like offenses in place of one; those who have sought the amelioration of the classes, while citizens of the United States have seen and been a party to riot, rapine and bloodshed caused only by religious intolerance.

It was not so many centuries ago both in England and America—lands which lay claim to the greatest enlightenment and cultivation, that over one hundred thousand men, women and children were burned, hanged, drawn and quartered, sent to that great undiscovered country of the future on no other charge than that of witchcraft and being witches, thus exciting a spirit of evil among the people. It is unreasonable to suppose that the God of the Christian has seen fit to select out of all others the Jewish people for punishment for their alleged one act of intolerance. It is charged that the people of Israel were directly and alone responsible for the crucifixion of Christ and that since that memorable epoch they have been degraded, punished by separation, by various forms of persecution and oppression, such as has never before fallen to the lot of any sect or nation.

It is due the people of Judea, the children of Israel, to say: They are the eldest people upon earth, compared with which other races are as yesterday. They are an imperishable sect who with immutable traditions and faith in God and in his laws, have scattered all over the world, maintaining their religion and their language. They have passed through the fires of passion and abuse unscathed; have been trampled into the dust only to rise again; have endured unknown and unimaginable sufferings; have been oppressed with every weighty affliction and exposed to the worst fanatical ignorance. Yet as a tribute to them it can be said wherever found they stand pre-eminent among all other people in education, in sympathy,

in faith, love and charity; they stand for honesty and equal and exact justice in all things. From time immemorial they have been noted for their analytical minds, philosophic character and judicial temperament.

In order to a proper understanding of these people whom the world disdains, a call of the roll of Hebrew great names would bring a mighty procession to the front. Among patriarchs, Abraham; among law givers who equals Moses; among prophets, Isaiah and Jeremiah; among mathematicians and astronomers, the world looks first to Herschel, Sylvester, Jacobi, and Kronecker; in the rank of philosophers may be placed Spinoza and Mendelsohn; among historians who is to compare with Josephus, Greiger, Neander and Graetz? No sweeter music has ever been heard than from Mendelssohn, Offenbach, Goldmark, Rubinstein and Strauss. Where is the actor or actress to compare with Sonnenthal, Rachel or Bernhardt? Among statesmen Disraeli, Gambetta, Lasker and Benjamin take first place. The songs of Heine give him high rank among poets. Rothschilds, Bleichrorders and Seligmans are financiers of note. Baron Hirsh and Sir Moses Montefiore are philanthropists of whom the entire Christian world is proud. These are the men and women charged with being indirectly responsible through birth for the sufferings of Christ, —the man who was of their own people, the most perfect product of Jewish spiritual creation, the greatest teacher and the most precious gem of human life. It is not too much to say that the Jews as a people intellectually, spiritually and judicially, are the most brilliant of any the earth has yet afforded.

The general order of events leading up to and including the two trials of Jesus may be thus described.

A little after eleven o'clock on the night of April 6, A. D. 30, Jesus and eleven of the Apostles left the scene of the Last Supper, which was held in the home of Mark on the outskirts of Jerusalem, and proceeded to the Garden of Gethsemane.

At about two o'clock in the morning of April 7, Jesus, while alone, was arrested in Gethsemane by a band of temple officers who were followed by Roman soldiers, all being guided to the spot by Judas.

Jesus was taken first to Annas and after a short conference or examination, was sent to Caiaphas. Here a private preliminary examination was had, by order of Caiaphas before Annas. This examination is imperfectly described by St. John, but is elucidated in detail in the old Indian documents discovered at Taxila.

After this preliminary examination, which lasted something over an hour as we reckon time, Annas having found there was probable cause to hold the accused, or in other words

that he was probably guilty, presented Jesus before the Sanhedrin, and he was arraigned for trial upon charges of blasphemy. Under the law, this was an offence punishable by death. The hearing began and was shortly completed with an almost unanimous verdict of all members of the Sanhedrin.

A temporary adjournment of the trial session was had, and about eight o'clock in the morning of April 7, the Sanhedrin re-assembled to retry Jesus, to get the record in shape, in order that it, the finding of that court, together with Jesus, might be brought before Pilate.

Pontius Pilate, procurator or governor of Judea, was then stopping in the palace of Herod on the Hill of Zion, he having come up to Jerusalem to attend the national festivals. The record of the trial by the Sanhedrin was laid before Pilate. The result was a reversal of the finding of that great court, and the prisoner was discharged by the Roman procurator, who expressed his finding in these words, "I find no fault in him at all."

Immediately following the reversal of the ecclesiastical trial Jesus was charged before Pilate with high treason against Caesar; the evidence of two witnesses was taken, when Pilate being intimidated by the rabble, sent Jesus before Herod, Tetrarch of Galilee, who had full jurisdiction as a magistrate, to hear the accused. Herod himself was in attendance upon the Passover feast, and was at that moment residing in the palace of the Asmoneans, about one-half mile from the residence of Pilate. A brief but formal hearing having been had before Herod, he was sent back to the Roman governor by whom he was sentenced to death.

We come now to the consideration of the question which seems to have been lost sight of by the many writers who opposed the contention of the legality of the trial of Jesus. To the trained lawyer it may seem unnecessary to call attention to the rule governing presumptions as applied to the question of jurisdiction, regularity and validity touching the legality of the proceedings in the Sanhedrin. The law is so well settled in England, Germany, India and China as to need no citations here in support of the proposition. It can fairly be said to be equally well settled in the United States. In brief, the authorities agree that in the absence of proof to the contrary appearing, the presumption is that every act of the court having jurisdiction is correct.

In proposing to apply juristic rules of a distant time or country to the conditions of a particular place at the present day, regard must be had to the physical, social and historical conditions to which the rule is to be adapted.

Manu, the ancient sage whose identity is lost in the mist of ages, but whose word is regarded throughout India as almost divine, says.

"In every proceeding in court where a judgment is pronounced, if the record itself does not *disclose* a wrongful act, then it is to be presumed that all of the proceedings of that court were regular, and no other presumption can exist. After a lapse of a reasonable time, we know of no way by which the validity of court proceedings can be attacked by outside matter. Certain it is that the attack must be made within the memory of a life; otherwise the evidence offered in support of the attack would become second-hand; evidence of no value whatsoever as being but hearsay."

An examination of the American authorities discloses the following, and these we assume to be positions well taken, and decisions according to the law of the land.

Mr. Chamberlayne in his excellent work on evidence holds that every presumption exists favoring the validity of court judgments. The exercise of jurisdiction by a court implies jurisdiction, and the legality of all proceedings in connection therewith are fairly presumed. Again the same noted law writer remarks:

"Generically considered, a presumption is that mental process by which the existence of one fact is inferred from proof of some other fact with which experience shows it is usually associated by co-existence."

Examining the decisions of the state courts of last resort in America, we find it is held that "The presumption exists in the absence of evidence to the contrary, that a court of record or of general jurisdiction, has the authority which it assumes, and that all proceedings and modes thereunder were authorized. See 16 Kansas 31, 15 Kansas 631, 5 Allen (Mass.) 591, 50 Nebraska 753.

The constitution of the United States Article IV. and the United States Supreme Court in Laing v. Rigney, 160 U. S. 531, assert that "Full faith and credit should be given to the judicial proceedings of all courts of foreign jurisdiction."

Once more we find it settled "If the court is one of general jurisdiction and the record is not contradictory thereof, the presumption is that every act is rightly done unless the contrary is shown. See Anderson v. Gray, 135 Ill. 550; Godfrey v. Godfrey, 17 Ind. 6; 54 New Jersey Law 260; 13 New York Supp'l 589; 4 Hayw. (Tenn.) 60; 26 Gratt. (Va.) 891; 2 Wall. (U. S.) 328; 10 Peters (U. S.) 449.

Considering the foregoing, we feel secure in the position that in the absence of evidence to the contrary, the fair presumption is maintained that the Sanhedrin had jurisdiction of the crime of blasphemy charged against Jesus. That all members of that tri-

bunal were present and acted according to the requirements of the law touching the trial. That the rules were observed as to witnesses, the competency of their testimony, and the correctness of the record as certified up to Pilate, the Procurator.

The writer may be pardoned for seeming to divert for the moment from the main issue. The ultimate test of the legality or the illegality of the trial of Jesus, is the question before us. To the mind of the writer those who assume the illegality of the trial ignore the facts and rely on the mysteriously supernatural, whenever the facts show a legal trial was had. Our opponents point to too many broad generalizations, based wholly on faith in religious emotion. Things are taken for granted because they coincide with the theories in support of God and the Holy Spirit. They bluntly refuse to investigate with open mind, confining themselves to mere primitive credulity. They accept as truth what seems to them in their religious life to be truly divine; their ideas may be based, and generally are, on an emotional experience or intuition—an unreasoned idea springing from the background and bearing with it an irresistible force of condition.

I pause to inquire whether any writer who has discussed this question and maintained the illegality of Jesus' trial has been prompted by a scientific interest, or, have not rather their investitions been inspired by religious fervor.

It is in the interest of both science and religion that the facts in the case should not remain submerged in the sea of feeling, but should be developed, so as to lead toward greater wisdom in religious education; thereby increasing our power of appreciation of spiritual things. This will make possible a harvest of wiser means in moral and religious culture. Demonstration should be lifted out of the domain of feeling so as to make it appeal to the understanding, that it may become possible progressively to appreciate its truth and apperceive its essential elements.

The roots of evidential proof go deeper into the organic and biological parts of us than do those things whose flowers blossom in the daylight of consciousness. There should be a sharp division of the emotional background from intellect, a division which recalls the old Aristolelian dual classification of mind into thought and desire.

The religionist who conducts an investigation of early customs and taboos, ceremonials and magic, spirits and mythology, will emphasize almost exclusively the social aspect of their original development; he finds they are established to his own satisfaction in the origin of social consciousness itself, of which his religion is an intimate phase. In other words, with the blooming forth of social consciousness there come *ipse facto* religion. If this is so, then the irreligious person lacks social consciousness—

this is a veritable *reductio ad absurdum,* lack of impulse or emotional feeling is no evidence of mentality.

This reference has been made simply to show the processes by which writers come to certain conclusions, which are not borne out by the facts. There is an underlying sameness in all religious beliefs in spite of their phenomenal diversity. We must approach the subject under discussion with free mind in order to find a working hypothesis sufficiently broad and fundamental that reason will prevail, according to the experience of man, and the known and established laws of nature and jurisprudence.

In discussing the various phases of the subject we must proceed in regular order—much as the lawyer prepares his brief on the law governing a statement of facts, and yet the facts stated must be so interwoven with the laws' analysis as to make the story complete in form.

At the time of Jesus, the Jewish nation was subject to Roman dominion, yet they had their religion, laws, manners and usages, even their system of judicial administration, except in respect to Roman jurisdiction over the province of Judah,—when incompatible with Roman supremacy. A Jew was subject to the jurisdiction of the Sanhedrin for a violation of Jewish law. This was the reason why Jesus was tried in a local forum, while later on Paul who was arraigned for trial in the same court was rescued by Roman soldiers because he was a Roman citizen, charged with an offense strictly against the laws of his country, therefore entitled to a trial before a Roman tribunal. (Acts xxiii. 10-27, xxiv. 6-7.) An apt illustration of this condition is found today in considering British rule in India. The nation being made merely tributary at first, later on losing its autonomy by slow degrees,—a case of assimilation and absorption.

It should be borne in mind that Pilate was primarily an executive, not a judicial officer. In his capacity then as Roman governer, the case of Jesus was brought to him for review from the Sanhedrin, much in the same way as a case goes up on appeal from an inferior to a superior court.

The verdict of guilty having been rendered in the Sanhedrin, it reached Pilate in regular form and by regular degrees. Under all the authorities, biblical or profane, *the case was dismissed* by the Roman governor, and his words of dismissal have been wrongfully applied by many writers to the second charge which was lodged against Jesus.

"I find no fault in this man at all," was the finding and order of reversal of the case from the Jewish Senate. Pilate held, that in his judgment the verdict of the trial court was not in accord with the facts, and therefore that Jesus was entitled to his discharge, and he accordingly dismissed him.

When the charge of treason was made against Jesus, Pilate could only do what he did do. Even if he had jurisdiction as an examining magistrate, which we do not believe, it was but justice that Jesus should be sent to some other forum; there was too much feeling against Him and this was clearly appreciated by Pilate. So in his capacity as executive, he ordered the accused with all witnesses in the case to an examining magistrate, which happened to be Herod.

It should be borne in mind that in this day of the trial of Jesus, Roman jurisprudence was then, as now, the most scientific that has existed. In the Twentieth Century it forms the substantiative of every legal system in Christendom; it stands before the world as a model.

It has been urged as one of the reasons why the trial of Jesus was illegal, that His arrest was accomplished during the nighttime. This we are not ready to admit by any means, although it is true that the Jewish law prohibited all proceedings by night. (See Dupin, "Jesus Devant Caiphe et Pilate.") According to the bible record, the arrest took place at night in violation of Hebrew law. This is an assumption as to the night feature, and it is clear that whoever first cited this as one of the illegal features was a modern day writer. Night and day as understood at the present time, and as understood at the time of Jesus, are entirely different. There is no question but what the arrest took place in the neighborhood of two or three o'clock in the morning. According to the bible "the morning and the evening were the first day." If this is true, they certainly continued as such until there was a new reckoning and marking of time. Touching this problem, we find two solutions. Granting, to save argument, that the arrest was technically wrong, of what matter is it so long as substantial justice was done by the appeal court, which reviewed the case and reversed the decision of the Sanhedrin?

But was the arrest illegal for the cause stated? I think not. Whether we accept the earlier gospel narratives, or profane history as touching the point, we shall find that the arrest of Jesus was within the hours which constituted the day. We have further evidence by way of elucidation of this problem, a valuable authority which should be considered.

In the great library at Louvain there is to be found one of the oldest manuscripts in existence; it is known as the "Book of Hours." It is supposed to have been written in the Ninth Century, it contains many quotations ante dating this period from the very earliest authorities on the subject of "time." A literal translation taken from leaf 74 and following, gives us the following:

"What constituted the day during the first century, may be considered as what it was for the century following. This de-

pended somewhat on the section of country. In Egypt along the time of the Christian era, an hour before sun-up and the same length of time after sun-setting, was regarded as the day; all else night." Turning to leaf 105, the translation shows "The day begins whenever there is light. Whether the sun has appeared or not so long as its light is diffused sufficiently, it can be considered the day has opened." Again we find on leaf 117 "from light in the morning until darkness at night." Strictly speaking the entire period of the earth's revolution on its axis is termed a day.

It is known that in Judah and throughout Egypt at the time of Christ, the rising of the sun was near what now corresponds to three o'clock in the morning during the months between August and February; while for the months between March and July the rising of the sun was fully forty minutes earlier.

With the foregoing, we are satisfied to leave this disputed point. There are readers who will not be reasoned with; there are too many who will not be convinced, no matter what the facts or evidence presented.

What was charged against Jesus, and did it constitute a crime in law? The charge before the Sanhedrin was blasphemy,—a crime punishable by death under the Jewish law. The statements of the accused, volunteered by Him possibly by way of explanation, or justification, all went to the *res geste* of the charge.

That there was evidence introduced is borne out by both profane and Evangelical proof.

"For *many* bear false witness against him but their witness agreed not together."

In what respect there was a disagreement of witnesses, we have no information. One is reported to have said "I heard Him say 'I will destroy this temple that is made with hands and within three days I will build another made without hands.'" The seeming difference in their testimony related to Jesus' statement in regard to His destruction of the Temple, and was not otherwise contradicted. This was but one portion of the charge, the other being that of pretending to be the son of God. These were but different phases of the same charge of blasphemy. It is of record that Caiaphas during the investigation asked, "Art thou Christ, the son of the Blessed?" And Jesus answered boldly and emphatically, "I am." (Mark xiv. 62.) It will thus be seen that upon His own testimony and that of many witnesses agreeing in all essential details as the law required, was the Nazarene condemned to death. It will help to simplify matters and to arrive at a clearer understanding if a distinction be held in mind between the judicial and extra-judicial charges made against Jesus. The judicial charges having reference only to those made by His accusers upon which He was tried by the Sanhedrin. By extra-

judicial charges, those which had been made out of court at many times and places throughout that country. The testimony of the witnesses upon His trial was largely with relation to statements which He had made in Jerusalem, Galilee and elsewhere. It is necessary to mention these in order to throw the most perfect light upon the specific charges at the trial. (See Abbott's Jesus of Nazareth, pages 440 to 500.) It was charged that He was a preacher of turbulence and faction, that He flattered the poor and condemned the rich, that He denounced whole cities, that He gathered about Him a rabble of harlots and drunkards under the pretense of reforming them; that He subverted the laws and institution of the Mosaic commonwealth, and in their place built up an unauthorized legislation of His own liking; that He had no regard for society, nor of religion, but commended the idolatrous Samaritan while He damned the holy priest and pious Levite. That He tore down the solemn sanctions of holy religion, did eat with publicans and sinners without washing His hands, disregarded all obligations of the Sabbath.

These and many other charges were doubtless presented to the members of the Sanhedrin during the course of the trial, and yet but the one charge of blasphemy can be said to have any direct connection with the record in the case.

We are satisfied to rest content with the record of the trial as given by Matthew (Matthew xxvi. 60-61) and by Mark (Mark xiv. 57-58); while the testimony as given on the trial as narrated by these two scribes disagrees but little, it is entirely upon unimportant points. We cannot understand why Luke and John make no reference to what transpired during the first trial before the Sanhedrin. Matthew, however, says: "At the last came two false witnesses and said, 'This fellow said "I am able to destroy the Temple of God and to build it in three days.'" While referring to the same testimony, the version of Mark is as follows: "And there arose certain, and bare false witness against Him, saying 'We heard Him say I will destroy this temple that is made with hands and within three days I will build another made without hands.'" It would certainly be a captious critic who would note a difference in this evidence. We can find no reasoning which would indicate that the testimony thus given was in any sense false, for throughout that entire country in divers places and times, Jesus unquestionably made even stronger statements as to His power to resurrect, to build, and to destroy.

What His meaning was in reference to the Temple, we believe is today understood as the temporal body, rather than the building, which it is accredited to. It may have been that Jesus used allegorical language, yet in the light of John ii. 20, the witnesses certainly had a right to infer that a material interpretation

be given to His words, and that the Temple at Jerusalem was what He meant. He was asked, it will be remembered, "Forty and six years was this Temple in building, and wilt Thou rear it again in three days?" In answer thereto, according to John ii. 19-21, there was nothing threatening in His reply, but He gave them to understand as strongly as one man can another what He *could* do when He said, "Destroy this Temple and in three days I will raise it up."

The facts adduced at the trial and suggested throughout by the adjuration addressed to Jesus as to whether or not He was Christ the Son of God and His emphatic declaration that He was, clearly constituted blasphemy under the Mosaic code. Leviticus xxiv. 15-20, is undoubtedly the blasphemy statute of the code stated. In Salvador's celebrated treatise "Histoire des Institutions de Moise" is a chapter devoted to the question of the judgment and condemnation of Jesus. He says: "But Jesus, in presenting new theories, and in giving new forms to those already promulgated, speaks of himself as God; his disciples repeat it; and the subsequent events prove in the most satisfactory manner that they thus understood Him. This was *shocking blasphemy* in the eyes of the citizens; the law commands them to follow Jehovah alone, the only true God; not to believe in gods of flesh and bones, resembling men or women; neither to spare or listen to a prophet who, even doing miracles, should proclaim a new god, a god neither they nor their fathers had known. The question already raised among the people was this: Has Jesus become God? But the Senate having adjudged that Jesus, son of Joseph, born in Bethlehem, had profaned the name of God by usurping it to himself, a mere citizen, applied to him the law in the 13th Chapter of Deuteronomy, and the 20th verse in Chapter 18, acocrding to which every prophet, even he who works miracles, must be punished, when he speaks of a god unknown to the Jews and their fathers: the capital sentence was pronounced."

If it was under the law as exemplified in Deuteronomy under which the charges against Jesus were laid, and we can find no reason to question it, then the charge laid against him was one identical with idolatry, that of seducing the people from their allegiance to Jehovah, and trying to induce them to go off after false gods. That section of the law referred to is as follows:

"If there arise among you a prophet, or a dreamer of dreams, and giveth thee a sign or a wonder, And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods which thou hast not known, and let us serve them; Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams; for the Lord your God proveth you, to know whether ye love the Lord your God with all your heart and with all your soul. Ye shall walk after the Lord your God, and fear

Him, and keep His commandments and obey His voice, and ye shall serve Him, and cleave unto Him. And that prophet, or that dreamer of dreams shall be put to death; because he hath spoken to turn you away from the Lord your God, which brought you out of the land of Egypt and redeemed you out of the house of bondage, to thrust thee out of the way which the Lord thy God commanded thee to walk in."

Jesus then had called himself the Son of God in the sense of being equal with God Himself. His affirmation "I am," that is Christ the Son of God, brought home His identity with the Father, His equality with God, the assumption of power and authority which alone belonged to Jehovah.

It is entirely immaterial whether the definition of blasphemy is accepted as laid down by Deuteronomy, or by Leviticus. In Second Samuel xii, 14, the word "blaspheme" is defined "to despise Judaism." In 1 Macc. ii, 6, blasphemy means "idolatry." In Job ii, 5; 2 Kings xix, 4-6; Hosea vii, 16, the term indicates "reproach," "derision."

If we accept the doctrine of Isaiah (Isa. lii. 5; Ezek. xxxv. 12), then the people of Jehovah and those of His holy land might also become victims of blasphemy equally with God.

It is but fair to say that a comprehensive meaning of blasphemy may be conveyed by the definition of the term "treason," under the governments of various countries today. The statute 25 Edw. iii, C. 2, defines seven different ways of committing treason against the King of England, while the *lex Julia majestatis* promulgated by Augustus Cæsar comprehended all the ancient laws that had before been enacted into one statute, to punish transgressors against the Roman state. (Greenidge "Legal Procedure of Cicero's Time," pp. 427, 507, 518.)

To sum up; the great Sanhedrin had jurisdiction of the charges of sedition and blasphemy under which Jesus was tried, both of these crimes coming within the cognizance of the supreme tribunal of the Jews (Andrews "The Life of Our Lord," page 510).

There was a regular legal trial of Jesus before the Sanhedrin which actually conducted a regular formal trial (Gesch, d. Judenth, vol. i, pp. 402-409; "Life and Times of Jesus the Messiah," vol. ii, p. 553).

We have already satisfactorily answered the question that Jesus, *the man*, under the Jewish law was guilty of blasphemy. According to the scribes and Pharisees Jesus blasphemed by claiming the power which alone belonged to God, of forgiving sins and exercising a supernatural power without the authorship and guidance of the Almighty; in asserting emphatically "I and My Father are one." (John x, 30-33.)

No less an authority than that of Mr. Simon Greenleaf, undoubtedly the greatest Christian writer on the law of evidence and the Testimony of the Evangelists, admirably summarizes the legal viewpoint when he says. "If we regard Jesus simply as a Jewish citizen, and with no higher character, this conviction seems substantially right in point of law, though the trial was not legal in all its forms. For, whether the accusation was founded on the first or the second command in the Decalogue, or on the law laid down in the thirteenth chapter of Deuteronomy, or on that in the eighteenth chapter and the twentieth verse, he had violated them all by assuming to himself powers belonging alone to Jehovah. It is not easy to perceive on what ground his conduct could have been defended before any tribunal, unless upon that of *his superhuman* characters. No lawyer, it is conceived, would think of placing his defense upon any other basis."

It will be noted that Mr. Greenleaf nowhere attempts to enumerate any errors legally committed during the trial, or any irregularities. Mr. Greenleaf must therefore have concluded that the substantial legal right of the presumption of innocence existing in favor of the man Jesus was overthrown by competent and satisfactory evidence. And if, as has been assumed, by the many writers who have taken the position that all forms of law were outraged and the rights of the accused were trampled under foot during the trial of Jesus and that errors were numerous in the proceedings; it is an assumption born of naive impudence and certainly not based upon any authentic record of the trial itself.

That our contention as it relates to the trial before the Jewish Senate, and its subsequent dismissal by the Roman Governor, is correct, is borne out by the fact that the penalty which Jesus paid, that of death by crucifixion, was not a penalty permitted under the Jewish law. This form of punishment was unknown to the ancient Hebrews; the penalty of death for a proven offence was enforced among them by burning, strangling, decapitation, and stoning; while crucifixion as applied as a penalty in the case of Jesus was a punishment inflicted for treason, under the Roman law. It therefore follows as the punishment or penalty enforced was one known only to the Roman law, that the crime charged and proven for which the penalty was imposed, was necessarily one against the Roman law.

The tragic events leading up to and including the famous trial before the Sanhedrin are vividly portrayed by that prince of historians and learned writer, Rab. Tagore, one of the great teachers of the Rishis. An accurate translation of his description follows:

"It is near morning, but the devotees of an imperial ecclesiasticism are alert. With murderous jealousy they anticipate the delivery into their hands of One for whom they had paid a price—One who must be put out of the way, or their honors and emolu-

ments be forfeited. Rich old Annas paces the marble court of his palace and listens for the footfalls of the returning band. He will soon have the satisfaction of looking into the face of the iconoclastic Galilean, who has imperiled his vast revenues by twice cleansing the temple of the traffickers whom he had unlawfully licensed to trade there. He will see those hands bound with cords instead of plaiting cords into a whip to drive out the buyers and sellers. Caiaphas also, Annas' son-in-law and acting high priest, is on the *qui vive* to carry into execution his judgment. The chief priests and Pharisees are anticipating their retaliation upon one who has denounced them as serpents; who has snatched the mask from their hypocrisy. So all hell is alert that night to enjoy its short-lived triumph. A sardonic smile passes over the face of Annas as the morning comes and his dull ears catch the tramp of the guards. He hurries into his grand salon, and mounts his dais with tottering step. The examination of Jesus here is purely informal. It is just such a courtesy extended by Caiaphas to Annas as, a little later, Pilate extended to Herod. It will have weight too, with the multitude, that the condemned is first arraigned before one who, according to Moses' law, is still a high priest.

There sits the Sanhedrin in form of a horseshoe, every member being present, the high priest at the "toe," and a scribe with ink-horn and parchment at either "cork." In the space between the scribes stands the accused, in full view of the semi-circle of venerables, who sit cross-legged. By his refusal to plead, Jesus denied the validity of the process. The silent dignified accused is fast throwing the court into confusion. It is at its wits' end, when bold and unscrupulous Caiaphas intervenes. He springs from his red hassock, and, rushing toward Jesus with rage in look and gesture, bids him answer the witnesses.

But before the vociferating judge, with his soiled ermine, Jesus maintains his imperturbable silence. This on the part of a defendant in an Oriental court is a complete anomaly. Profuse protestations of innocence, dramatic appeals, wild gesture, copious tears—these are the rule. The silent dignity of Jesus arrested the attention and struck the conscience of each court before which he was brought.

A last expedient occurs to the fertile mind of Caiaphas. He will put Jesus in the dilemma of denying his Messiahship by persisting in his silence, or affording ground of conviction for blasphemy by affirming it. By most solemn abjuration he puts Him to the test, and then propounds his crucial question. There is not a momen't hesitation. The case against him so far having utterly collapsed, he breaks his silence. He furnishes them with the ground of conviction, which they had failed to establish. They do not stop to question whether his testimony is true or not. It might readily be shown how his character and career

fulfills the prophecies. There are ten thousand witnesses of his Messianic and wonder-working power who might have been summoned. But, no! the case is prejudiced, the court bent on conviction. With dramatic effect Caiaphas tears his costly robes into shreds and precipitately a vote is taken and recorded. Before this is done a fervent appeal for the accused is made by two members of the Court. Gamaliel, the ancient, presents every doubt for Jesus that can be taken advantage of. He was followed by Rabbi Narada of the Chamber of Elders. He refuted the charge that the accused had spoken blasphemous words against Moses and against God. It was of no avail. All the members of the Chamber save those two who spoke for the accused, voted for conviction —many explaining their votes owing to the admissions of the prisoner, the witnesses and the law governing. The verdict being overwhelmingly for guilt, Jesus was taken with the court's finding and the witnesses who gave evidence against him, to Pilate for a review of the case and sentence."

Rabbi Wise in his "Martyrdom of Jesus," p. 74, says: "If none of the judges defend the culprit, the verdict of guilty was invalid."

It will be noted that Jesus was defended by his friend, Gamaliel, one of the scribes, as well as by Narada, son of Hacksab. It must be remembered that in Hebrew trials where the death penalty might be inflicted, there were no prosecutors; this part being played by the accusers, who were witnesses against the culprit. Again there were no lawyers nor advocates among the ancient Hebrews, especially in the modern sense; the judges who had to pass upon the case were the defenders. A verdict which showed a unanimous vote of guilty indicated clearly that the prisoner had no friend or defender. To the Jewish mind this argued conspiracy against the accused. So far as the record goes in every case tried before the Sanhedrin, those who defended the prisoner voted in favor of acquittal, whatever may have been their real feeling as to innocence.

Undoubtedly Gamaliel and Narada, the first of the chamber of scribes and the second a simple priest, presented to the court the variation which occurred in the testimony of witnesses called against Jesus. They must have pointed out that the statements of the accused upon which his guilt was sought were allegorical, and in that sense could not be used against him.

We are inclined to the opinion that his guilt was found upon all of the statements combined, as well as upon his own admission, and that these various shreds of testimony went to make up the charge of blasphemy. While the narrative of the trial of Jesus by Rab Tagore is clearly written in a spirit which indicates that he could not have been in sympathy with the writer who contends for the legality of the trial, yet he does furnish information along

certain lines which corroborate the position here taken. He shows that the full number of the Sanhedrin were present; he shows that Jesus was defended by two members of that great body before whom he was tried, and he shows that while the verdict was overwhelmingly against the accused, that it was not unanimous.

Touching upon that portion of the trial and witnesses examined, wherein it is shown there is a variation between those who testified against Jesus, we cannot find that there is any substantial difference, but rather that the variations are those which would rather tend to establish the truth of a story rather than to discredit it. Is is probable that two or three men could listen to the argument of counsel or the mouthings of a labor agitator and some days thereafter repeat separate and distinct from each other the exact words of the speaker? Rather they would give in substantiative form the sentiments expressed. Touching upon this point, the writer cannot do better than quote from Paley in his "Evidences of Christianity," wherein he says:

"I know not a more rash or more unphilosophical conduct of the understanding than to reject the substance of a story by reason of some diversity in the circumstances with which it is related. The usual character of human testimony is *substantial truth* under circumstantial variety. This is what the daily experience of courts of justice teaches. When accounts of a transaction come from the mouths of different witnesses it is seldom that it is not possible to pick out apparent or real inconsistencies between them. These inconsistencies are studiously displayed by an adverse pleader, but oftentimes with little impression upon the minds of the judges. On the contrary, a close and minute agreement induces the suspicion of confederacy and fraud. When written histories touch upon the same scenes of action, the comparison almost always affords ground for a like reflection. Numerous, and sometimes important, variations present themselves; not seldom, also, absolute and final contradictions; yet neither one nor the other are deemed sufficient to shake the credibility of the main fact."

It is interesting to notice the history of the great Sanhedrin, its origin, organization, the qualification of its members, its jurisdiction, and what constituted a valid quorum for trial purposes. In discussing these questions, the authority upon which we rely must largely come from the scriptures themselves, or from ancient works treating of the Jewish people. By no means should the Talmud be omitted, as therein can be found much information whose authenticity and authority is unquestioned.

There were three kinds of Jewish tribunals; the Great Sanhedrin, the Minor Sanhedrin, and the lower tribunal or Court of Three.

The first of these properly denominated Grand Council, was the high court of justice and supreme tribunal of the Jews. Its full number was seventy-one members; its powers were both elective and executive. Independent of its judicial functions matters of education, of government and religion were here decided. In every sense it was the national parliament of Hebrew Theocracy. No more august tribunal has ever interpreted or administered justice or religion to man.

The word "Sanhedrin" is from the Greek, denoting strictly an ecclesiastical council in a sitting posture. It is also said to suggest all the gravity and solemnity of an Oriental synod. This body has also been termed "The Council of Ancients." In the second book of Macabbees, Chap. 1, 10, it is called "Gerusia" or Senate; while in the Vulgate (Matt. xxvi, 59) it is called Concilium or Grand Council. Though the term more generally employed throughout the Greek text of the gospels, the writings of the Rabbins, the Talmud and the works of Josephus is that of Sanhedrin. (Josephus "Ant." xiv, Chap. v. 4. Wars of the Jews I., viii, 5, Talmud Sanhedrin).

If we are to take the bible as our authority, a reference to the book of Numbers xi, 16-17, we shall have no difficulty in concluding that the origin of the great Sanhedrin was in The Wilderness; that it was established by Moses under divine commission. "Gather unto me seventy of the elders of Israel whom thou knowest to be the eldest of the people and officers of them; and bring them unto the tabernacle of the congregation, that they may stand with thee." This is the language accredited to the Almighty in His direction to Moses, and over the seventy elders which were congregated Moses is said to have presided, making a grand total of seventy-one,—the historic number required to make up the body of the great Sanhedrin.

This great council clothed with general judicial and religious attributes, we first know of as established at Jerusalem about 170 B. C.

There were three chambers; the Chamber of Priests composed of 23; the Chamber of Scribes with 23 members, and the Chamber of Elders divided into an equal number. This comprises a total of 69, which together with the two presiding officers made up the required number. There were certain qualifications which were requisite to entitle an applicant to membership to a seat in the great Sanhedrin.

1. He must have been a Hebrew and a lineal descendant of Hebrews.

2. He must have been learned in the law, both written and unwritten.

3. He must have had judicial experience; have begun with one of the local courts and passed through two magistracies in Jerusalem (Jose b. Halafta, I. c).

4. He must have been especially well grounded in astronomy, medicine, chemistry, and familiar with the arts of the necromancer.

5. He must have been an accomplished linguist, familiar with all the languages of the surrounding nations. The reason for this is found that interpreters were not allowed in Hebrew courts.

6. He must have been modest, popular, of good appearance and without haughty demeanor.

7. He must have been pious, strong and courageous.

Unless one desiring membership in this great council had the qualifications hereinbefore set out, then in the nature of things he was disqualified, although he may have had all the qualifications stated and yet if he had no regular trade, occupation or profession by which he gained his livelihood, he was *absolutely disqualified.*

It is also worthy of note in cases involving the death penalty, a man of sufficient years so as to likely have infirmities rendering him harsh, obstinate and unyielding, or one who never had any children of his own, or a bastard, was disqualified to act as judge. No young man could sit in the Sanhedrin. According to the Rabbis twenty-five years was the age which entitled a person to be called a man. (Yalkut, "Exodus," Sec. 167.) According to Sotah (p. 22), "no man was eligible to a seat until at least forty years of age." Outside of these disqualifications, there were those which apply in all our courts today. One who is concerned or interested, or a relative of the accused, or who would be benefited by the death of the accused, was not qualified.

The proceedings of the great Sanhedrin were directed by two presiding officers; one of these styled "prince" "Nasi" was the president of the court; the other known as the Father of the Tribunal (Ab-beth-bin) was the vice-president. The presidency of the council went to him who surpassed his colleagues in wisdom. This is asserted in Chapter I of the constitution of the Sanhedrin. There were three scribes seated respectively on the left and right of the main body with the third in the center of the hall. The one on the right recorded the names of the judges, as they voted for or against the accused. The one on the left took down the arguments for and against the prisoner. He also noted the names of those who decided to condemn, and their reason therefor. The third kept an account of all proceedings, so as to check back in the case of inaccuracy from the memoranda of his brother scribes.

The witnesses to the crime charged were the only prosecutors and in capital cases they too became the legal executioners. The

testimony of the accusers constituted both the indictment and the evidence. There were no lawyers in the modern sense, the judges and disciples undertook the duties of the modern attorney. The prophets were the sole orators of Hebrew life, but they were not allowed to appear defending accused persons. No compensation was paid to the judges for their services. The position was so highly prized that the struggles and sacrifices of a lifetime were not considered too great to pay for a seat in the Great Sanhedrin. This body convened as occasion required, although Mondays and Thursdays were set apart to accommodate the country-folk.

Just how vacancies were filled in the membership it is hard to say; Schurer in his work on the Jewish people in the time of Jesus says that in front of the judges sat three rows of learned disciples, each of them having his regular place. Should it be necessary to promote one of them to the office of Judge, one from the foremost row was selected, while his place was in turn supplied from the second row, and so on. (Sanhedrin iv, 4.)

Twenty-three members constituted a quorum, this being the full number of the membership of a Minor Sanhedrin. In all criminal trials, a majority of less than two votes for condemnation failed. (Sanhedrin iv, 1.)

Under the Hebrew law a unanimous verdict of guilty rendered on the day of trial constituted an acquittal; a second session of the court was necessary in order to review the facts and to give an opportunity for every element of mercy to come into consideration.

What was the jurisdiction of this Jewish Senate? It is stated in the Mishna as follows:

"The judgment of the seventy-one is besought when the affair concerns a whole tribe or is regarding a false prophet or the high-priest; when it is a question whether war shall be declared or not; when it has for its object the enlargement of Jerusalem or its suburbs; whether tribunals of twenty-three shall be instituted in the provinces, or to declare that a town has become defiled, and to place it under ban of excommunication."

Edward Gibbon has also defined the jurisdiction of the same court as follows:

"With regard to civil objects, it was the supreme court of appeal; with regard to criminal matters, a tribunal constituted for the trial of all offences that were committed by men in any public station, or that affected the peace and majesty of the people. Its most frequent and serious occupation was the exercise of judicial power. As a council of state and as a court of justice, it possessed many prerogatives. Every power was derived from its authority, every law was ratified by its sanction."

While authorities seem to agree that the full membership of

the Sanhedrin was present and took part in the trial of Jesus, yet we are unable to give biological sketches of those who composed the chamber. We know something of over forty that judged Jesus, but who the other characters, their names and standing were, we are unable to say. The task of compiling this membership has been time and again undertaken. In this late century of historical study, we are only enabled to give sketches of the majority of the judges. The evidence upon which we rely for this information is taken from the Books of the Evangelists, the writings of Josephus, the historian; the pages of the Talmud and the history and geography of Palestine. In the Council of the High Priests we find:

THE JUDGES WHO TRIED JESUS.

"CAIAPHAS, high priest then in office; held this office for eleven years—during the entire term of Pilate's administration. (25-36 A. D.) He presided during this celebrated trial, and the Passion history as given by the Evangelists has made him known to us. (See Matt. xxvi, 3; Luke iii, 2, etc.; Jos., "Ant." B. XVIII. C II, 2.)

ANANOS, held the office of high priest for seven years under Coponius, Ambivus, and Rufus (7-11 A. D.). He was the father-in-law of Caiaphas, and even though out of office, was frequently consulted on matters of importance. The office of high priest of this great body remained for fifty years without interruption in the family of Ananos; five of his sons successively assumed its dignity. (Luke iii. 2; John xviii. 13, 24; Acts iv. 6; Jos., "Ant.," B.XV. C.III. 1; XX. IX. 1,3; "Jewish Wars" B.IV.V. 2, 6, 7.)

ELEAZAR, was high priest for one year under Valerius Grattus (23-24 A. D.). He was the eldest son of Ananos. (Jos. "Ant." B.XVIII. II. 2.)

JONATHAN, son of Ananos, simple priest at that time; high priest for one year taking the place of Caiaphas when the latter was deposed after the disgrace of Pilate, by Vitellius, Governor-general of Syria (37 A. D.). (Jos. "Ant.," B.XVIII. IV. 3.)

THEOPHILUS, son of Ananos, simple priest at that time, but made high priest in the place of his brother Jonathan, when he was deposed by Vitellius. Theophilus held the office for five years. (39-42 A. D.) (Jos., "Ant.," B.XIX. VI., 2; Munk, "Hist. de la Palestine," p. 568.)

MATTHIAS, son of Ananos. Simple priest at that time; afterward became high priest for two years (42-44 A. D.), succeeding Simon Cantharus, who was deposed by King Herod Agrippa, (Jos., "Ant.," XIX. VI. 4).

ANANUS, son of Ananos. Simple priest at the time; made high priest by Herod Agrippa after the death of the Roman gov-

ernor, Portius Festis (63 A. D.). He was a Sadducee of extravagant zeal, and was deposed at the end of a few months by Albanus, who succeeded Portius Festus, for having illegally condemned the apostle James to be stoned. (Acts xxiii. 2, xxiv. 1; Jos. "Ant.," B.XX. IX. 1.-)

Joazar, high priest for a term of six years during the latter days of Herod the Great and the first years of Archelaus (4 B. C.-2 A. D.). He was the son of Simon Boethus. (Jos. "Ant.," B.XV. IX. 3; XVII. VI. 4; XVIII. I. 1; XIX. VI. 2.)

Eleazar, second son of Simon Boethus; when Joazar was deprived of that function by King Archelaus (2 A. D., Eleazar succeeded him, but was deposed by the same King three months after his installation. (Jos., "Ant.," B.XVIII. XIII. 1; XIX. 2.)

Simon Cantharus, third son of Simon Boethus. Simple priest at the time; made high priest by King Herod Agrippa (42 A. D.) but deposed after a few months. (Jos., "Ant.," B.XIX. VI. 2, 4.)

Jesus ben Sie, succeeded Eleazar to the high pristhood, and held the office for five or six years (1-6 A. D.) under the reign of Archelaus. (Jos. "Ant." XVII. XIII. 1.)

Ismael ben Phabi, was high priest for nine years under procurator Valerius Grattus, predecessor of Pontius Pilate. ("Talmud," "Pesachim," or "of the Passover," fol. 57 verso; "Yoma," or the "Day of Atonement," fol. 9, verso; 35, recto; Jos., "Ant.," XVIII. II. 2; XX. VIII. ii.; Bartolocci, "grand Bibliotheque Rabbinique," T.III. p. 297; Munk, "Palestine," pp. 563, 575.)

Simon ben Camithus was high priest for one year under procurator Valerius Grattus (24-25 A. D.).("Talmud," "Yoma," or the "day of Atonement," fol. 47, verso; Jos., "Ant.," XVIII. II. 2; Derenbourg, "Essai sur l'ristorie,' p. 197, n. 2.)

John, simple priest. He is made known to us through the Acts of the Apostles—"And Annas, the high priest, and Caiaphas, and John, and Alexander, and as many as were of the kindred of the highpriest, were gathered together in Jerusalem.' (Acts iv. 6.)

Alexander—simple priest; also mentioned in the Acts of the Apostles in the passage above quoted. Josephus also makes mention of him, and through him we learn that Alexander afterward became an *Alabarch*—first magistrate of the Jews in Alexandria. He was very rich and at one time loaned King Herod Agrippa two hundred thousand pieces of silver. (Acts iv. 6; Jos., "Ant.," XVIII. VI. 3; XX. V. 2; Petri Wesselingii, "Diatribe de Judæorum Archontibus," Trajecti ad Rhenum, pp. 69-71.)

Anania. ben Nebedeus, simple priest at that time; was made high priest under procurators Ventideus, Cumanus and Felix (48-59 A. D.). He is mentioned in the Acts of the Apostles and by

Josephus. It was this high priest who delivered the apostle Paul to procurator Felix. "Ananias, the high priest, descended with the elders, and with a certain orator named Tertullus, who informed the governor against Paul." (Acts xxiv. 1.)

HELCIAS, keeper of the treasury of the Temple. It is thought that it was from him Judas Iscarriot received the thirty pieces of silver as the price of his treason (Jos. "Ant.," XX. VIII. 11).

SCEVA. He was one of the principal priests whose influence in the Sanhedrin was great. He is said to have had seven sons who devoted themselves to witchcraft. (Acts xix. 13-14.)

A careful study of all documents and authorities at hand fails to disclose the names of the remaining members of the Chamber of the Priests.

Next to the priests the Chamber of the Scribes was the most important. The members of this Chamber were chosen indiscriminately among the Levites and laity; they were doctors throughout Israel, generally held in the highest esteem and veneration. We are led to believe, with possibly one or two individual exceptions, that the members of this body were better than those of the priests.

Using such authorities as can be found, the writer submits the following as a list of the names and histories of the wise men who composed the Chamber of the Scribes at the trial of Jesus:

GAMALIEL, surnamed The Ancient. A very worthy Israelite, who belonged to a noble family, and whose name is spoken of with honor in the Acts of the Apostles, as well as in the Talmud. He acquired so great a reputation among his people for his scientific knowledge that the latter could say of him "With the death of the Rabbi Gamaliel the glory of the law has departed." Paul the Apostle (Saul) studied the law and Jewish traditions under Gamaliel. He had also among his disciples Barnabas and Stephen, the first martyr for the cause of Christ. When the members of the Sanhedrin had under consideration putting the Apostles to death, it was Gamaliel who prevented the death sentence with "Ye men of Israel, take heed to yourselves what ye intend to do as touching these men. . . . And now I say unto you, refrain from these men, and let them alone; for if this counsel be of men it will come to naught; but if it be of God ye cannot overthrow it; lest haply ye be found even to fight against God." Nineteen years after Christ the death of Gamaliel occurred. (Acts v. 34-39; xxii. 3; Mishna, "Sotah" or "the Woman Suspected of Adultery," C.IX; "Sepher Juchasin," or "the book of the Ancestors," p. 53; David Ganz, "Germe de David ou Chronologie" to 4768; Bartolocci, "Bibliotheca magna Rabbinica" T. i. pp. 727-32.)

SIMON, son of Gamaliel, was a member of the Assembly. He became afterward an intimate friend of John of Giscala, the cele-

brated bandit, on account of whose cruelty toward the Romans, as well as the Jews, Titus ordered the pillaging of Jerusalem. Simon was killed in the last assault in 70 A. D. (David Ganz "Chronologie" to 4180; Mishna, "Aboth," or "of the Fathers," C. I.; "Talmud," Jerusalem, "Beracith," or "of Blessings," fol. 6, verso; "Historia Doctorium Misnicorum," J. H. Otthonis, pp. 110-113; De Champagny, "Rome et la Judee," T. ii. 86-171.)

Onkelos was of heathen parentage but became converted to Judaism and was one of the most eminent disciples of Gamaliel. He hated the Gentiles to such an extent that he had the sum of money which he inherited from his parents, cast into the Dead Sea. We can understand that such a disposition would not look with favor or tolerance on a man who received Jews and Gentiles alike. ("Talmud," "Megilla," or "Festival of Esther," fol. 3, verso; "Bababathra," or "the Last Gate," fol. 134, verso; "Succa," or "The Festival of Tabernacles," fol. 28, verso; "Thosephthoth," or "Supplements to the Mishna," C. c.; Rabbi Gedalia, "Tzalzeleth Hakkabalah," or "The Chain of the Kabalah," p. 28; "Histor, Doct. Misnio," p. 110; De Roast, "Dizionario degli Autori Ebrei," p. 81.)

Jonathan ben Uziel; his time was contemporary with that of Jesus. He was one of his judges. He was the translator of the prophets, with the exception of Daniel. ("Talmud," "Succa," or "the Festival of Tabernacles," fol. 28, verso; David Ganz, "Chronol," 4728; Gesemius, "Comm. on Isaiah," Part I. p. 65; Zunz, "Culte divin des Juifs," Berlin 1833, p. 6; Hanneburg "Revelat Bibliq.," ii. 163, 432.)

Samuel Hakaton, or *the Less,* surnamed to distinguish him from the prophet Samuel. After the resurrection of Christ, he composed an imprecation against the Christians, called "Birchath Hamminim." This was inserted as an additional blessing in the celebrated prayer of the synagogue. These blessings belonged to the time of Ezra, five centuries before the Christian Era. Samuel died eighteen years after Christ. ("Talmud," fol. 28 verso.)

Chanania ben Chiskia. He was a great teacher, known as a conciliator, settling doctrinal quarrels. His death occurred a little time before the destruction of the Temple. (The Book of Ancestors, p. 57.)

Ishmael ben Eliza, renowned for the depth of his wisdom. It is said he was learned in the most mysterious things. After the capture of Jerusalem, the daughter of Titus was so struck with his beauty that she obtained permission of her father to have his face skinned after death, which skin she had embalmed and perfumed. She sent it to Rome as a trophy. ("Talmud," "Aboda Zarah," or "of Idolatry," C.I.; Rabbi Gedalia, "Tzalzeleth Hakkabalag," or "the Chain of the Kabalah," p. 29; "Sepher

Juchasin," or "the Book of Ancestors," p. 25; "Tosephoth Kiddushin," C.IV.)

Rabbi Zadok, born forty years before the trial of Jesus; he died at seventy years of age, shortly after the burning of the Temple. (Aboth, or "Fathers of Tradition," iv. 5.)

Jochanan ben Zakai. The Rabbinical give this Rabbi an extraordinary length of life. He lived like Moses for over one hundred and twenty years. The first forty years he consecrated to manual labor; the second forty years to the study of law, and for the last forty years of his life he was a teacher. He was surnamed "the Splendor of Wisdom." After the Temple was destroyed he collected the remaining members of the Sanhedrin to Jabnah where he presided over this body for the last years of his life. He died A. D. 73. He attributed his long life to his wisdom and piety. Many references are made to him. ("Talmud," "Rosh Hashanah," or "of the New Year," fol. 20, recto; 31, recto; "Sotah," or "of the Woman Suspected," etc., IX. 9; "Yoma," or "The Day of Atonement," fol. 39 recto, and 43; "Gittin," or "of Divorce," fol. 56, verso and recto; "Succa," or "of the Festival of Tabernacles," fol. 28, verso.)

Abba Saul, an elder of great height and strength. According to Maimonides, Abba Saul died before the destruction of the Temple. "Maimonides," T. ii, p. 375.)

Rabbi Chanania; he was surnamed the "Vicar of the Priests;" he was put to death by the Romans, when they possessed themselves of the city of Jerusalem. (David Ganz "Chronoligie" 4826; "the Book of Ancestors," page 57.)

Rabbi Eleazar ben Partah, long a scribe in the Sanhedrin and one of its most esteemed members. He was a Rabbi of extensive knowledge. At the destruction of the Temple, he was over one hundred years old, yet he lived for several years after. ("Talmud," "Gittin," C.III. 4; "Sepher Juchasin," p. 31.)

Rabbi Nachun Halbalar. He was a member of the Sanhedrin in the year 28 A. D. and must have been one of the judges of Jesus. But little is known of his history. ("Talmud," C.II. C.)

Rabbi Simon Hanizpah. He is known to have belonged to the Sanhedrin in the year A. D. 28. ("Talmud," "Peah," C. II.6.)

According to Jewish tradition, the foregoing were the principal scribes or doctors that composed the second chamber of the Sanhedrin at the time of the trial of Jesus. In Rabbi Nathan's book "Aruch." much is learned of them. This work is a dictionary of great authority. From this we quote:

"In the past and more honorable times the titles of rabbin, rabbi or rav, to designate the learned men of Babylon and Palestine, were unknown; thus when Hillel came from Babylon the title

of rabbi was not added to his name. It was the same with the prophets, who were styled simply Isaiah, Haggai, etc., and not Rabbi Isaiah, Rabbi Haggai, etc. Neither did Ezra bring the title of rabbi with him from Babylon. It was not until the time of Gamaliel, Simon, and Jochanan ben Zackai that this imposing title was first introduced among the worthies of the Sanhedrin.

The third chamber of the Sanhedrin known as the Chamber of the Elders was the least influential of the three. But few names of the persons composing it at the time of Jesus, have been recorded and preserved. Among those who took part in the trial were the following:

Joseph of Arimathea. In the Latin version of the bible, he is called "Noble Centurion." This is owing to the fact that he was one of the ten senators who had principal authority in Jerusalem under the Romans. The Greek version of the bible more clearly marks his noble position. He is known as a good and just man who often dissented from the counsel and deeds of his fellow-members. It has been reasoned that because he was an honorable counsellor and friend of Jesus, he absented himself from the trial. There is, however, no authority for this conclusion.

In authoritative works, he is many times mentioned. (Matt. xxvii. 5s-59; Mark xv. 43-46; Luke xxiii. 50; John xix. 38; Jacobi Alting, "Schilo seu de Vaticinio patriarchas Jacobi," p. 310; Goschler, Diction. Encyclopediq.; word, "Arimathea"; Cornelius Lapidus, "Comment. in Script. sac.," edition Vives, T. xv. p. 638, second col.)

Nicodemus. According to St. John, he was a Pharisee, a master in Israel, and a prince of the Jews. He was a member of the Sanhedrin, and at one time opposed his colleagues by speaking in defense of Jesus, bringing from them the retort, "Art thou also a Galilean?" It is true that he was one, but this he kept so far as possible secret. After the crucifixion, it was Nicodemus who bought nearly a hundred pounds of myrrh and rare spices for the burial of Jesus. The Talmud says there were three most eminent men in Jerusalem—Nicodemus, ben Guerin, ben Tzitzith Hacksab, ben Kalba Shevuah. These men were very wealthy, and could have supported the entire city for many years. (John iii. 1-10; v.ii. 50-52. xix. 39; "Talmud," C.V. fol. 56. David Ganz "Chron." 47-57.)

Ben Kalba Schevuah. This elder occupied a very high financial position, which secured for him one of the first places in the Chamber of Ancients. According to Ritter, his memory is still preserved among the Jews. ("Talmud." C.V. fol. 56. David Ganz "Chronol." 47-57. Ritter xvi. 478.)

Ben Tzitzith Hacksab, known for his effeminacy, and the

third rich man made known by the "Talmud." He was a member of the Sanhedrin. ("Talmud," cv. fol. 56, verso; David Ganz, "Chron." 47-57.)

SIMON. We learn from Josephus that he was of Jewish parentage, highly esteemed because of his knowledge of the law. Some nine years after Christ, it was Simon who brought an accusation against King Herod Agrippa, charging bad faith and conduct, and insisting that entrance into the sacred portals should be forbidden him. That he was one of the bold men of his day is shown by this action. (Jos. "Ant.," XIX. VII. 4; Derembourg, "Essai sur l'histore et la geographie de la Palestine," p. 207, n. 1; Frankel, Monatsschrift, III. 440.)

DORAS. According to Josephus he was one of the most influential citizens of Jerusalem. He is said to have been a man of cruel character, involved with Governor Felix in the assassination of Jonathan, the high priest. He was an active member of the Sanhedrin, and present at the trial of Jesus. (Jos. "Ant." XX. VII. 5.)

JOHN, son of John. Dorotheas, son of Nathaniel. Typhon, son of Theudion, and Cornelius, son of Ceron; are mentioned as ambassadors sent by the Jews to Emperor Claudius, A. D. 44. From their prominence it is considered probable that they were members of the Sanhedrin.

JACOB, son of Jonathan, was also a member of the Sanhedrin, although it is doubtful if he was present at the last trial.

NARADA, son of Hacksab, took an active part as one of the judges, and it was he who proclaimed to the full body, the question of guilt of Jesus. But little is known of him, outside of this. He is reported as a Pharisee.

Thus more than one-half of the seventy-one members of the Sanhedrin are accounted for. With the question of their moral characters, this writer has nothing to do. One may assume much or little according to his prejudices or bias. That the three chambers entered into session and that before the Grand Sanhedrin the trial of Jesus took place as narrated, is not open to doubt. Whether or no there was a prejudice existing in the minds of its members, is of little consequence here in view of the fact that the action of that council was reversed, overthrown, and set at naught by Pilate, who refused to acquiesce in the judgment of that court, and to sentence the prisoner in accordance with the demands made upon him.

Justin Martyr in his first apology presented to the Emperor Antonius Pious and the Senate of Rome, A. D. 140, in mentioning the crucifixion of Jesus, said: "And that these things were so done, you may know from the Acts made in the time of Pontius Pilate." Tertullin in his Apology A. D. 200 referring to the cruci-

fixion and resurrection, says: "Of all these things relating to Christ, Pilate sent an account to Tiberius, then Emperor."

These were writers of good repute, is the observation of Bishop Pearson. The Apologies referred to were for the Christian religion, and proposed to the Emperor and Senate.

It is known at the time of the first Roman Emperors there were Acts of the Senate, of the City or people of Rome. (See Sucton Jul. Cæs. xx.)

It is but likely that Pilate who had condemned Jesus to death probably as against his conscience, felt that he should make a full report upon the proceedings. Pilate was removed from his government just before the Passover A. D. 36. There was then no procurator or other person holding the power of life and death in his hand in Judah until the ascension of Herod Agrippa, A. D. 41. It has been claimed by many that the removal of Pilate and the vacancy in the governorship of Judea during this period was ordered on account of the condemnation of Jesus. It will be interesting to read in connection with the foregoing "The Credibility of the Gospel History," in the Chapter on Testimonies of Ancient Heathens, vol. vi. page 605, and following.

The Acts of Pontius Pilate which follow were clearly an official production composed under the direct sanction of the Roman Government. It is probable they were accompanied by a letter to the Emperor, although it is not clear that this was similar in purport to the Acts themselves. (Origin of the Four Gospels, pp. 141-50.)

The first Greek form translated, shows that the Acts of Pilate were written in Hebrew, translated by Ananias, of the propractor's bodyguard in the seventeenth year of the reign of Flavius Theodosius. The translation here follows.

THE ACTS OF PILATE

CHAPTER I.—Having called a council, the high priests and the scribes, Annas and Caiaphas, and Semes and Dathaes, and Gamaliel, Judas, Levi and Nepthalim, Alexander and Jairus, and the rest of the Jews, came to Pilate accusing Jesus about many things, saying: We know this man to be the son of Joseph the carpenter, born of Mary; and he says that he is the Son of God, and a king; moreover, profanes the Sabbath, and wishes to do away with the law of our fathers. Pilate says: And what are the things which he does, to show that he wishes to do away with it? The Jews say: We have a law not to cure anyone on the Sabbath; but this man has, on the Sabbath, cured the lame and the crooked, the withered and the blind and the paralytic, the dumb and the demoniac, by evil practices. Pilate says to them: What evil practices? They say to him: He is a magician, and by Beelzebub, prince of the demons, he casts out the demons, and all are subject to him. Pilate says to them: This is not casting out the demons by an unclean spirit, but by the god Escullapius.

The Jews say to Pilate: We entreat your highness that he stand at the tribunal and be heard. And Pilate, having called them, says. Tell me how I, being a procurator, can try a king? They say to him: We do not say that he is a king, but he himself says that he is. And Pilate having called the runner, says to him: Let Jesus be brought in with respect. And the runner, going out and recognizing him, adored him, and took his cloak into his hand and spread it on the ground, and says to him: My Lord, walk on this and come in, for the procurator calls thee. And the Jews, seeing what the runner had done, cried out against Pilate, saying: Why hast thou ordered him to come in by a runner, and not by a crier? For assuredly the runner, when he saw him, adored him, and spread his doublet on the ground and made him walk like a king.

And Pilate having called the runner, says to him: Why hast thou done this, and spread out thy cloak upon the earth and made Jesus walk upon it? The runner says to him: My Lord procurator, when thou didst send me to Jerusalem to Alexander, I saw him sitting upon an ass, and the sons of the Hebrews held branches in their hands and shouted; and others spread their clothes under him saying: Save now, thou who art in the highest; blessed is he that cometh in the name of the Lord.

The Jews cry out and say to the runner: The sons of the Hebrews shouted in Hebrew; whence, then, hast thou the Greek? The runner says to them. I asked one of the Jews, and said: What is it they are shouting in Hebrew? And he interpreted it for me.

Pilate says to them: And what did they shout in Hebrew? The Jews say to him: *Hosanna membrome baruchamma adonai.* Pilate says to them: And this Hosanna, etc., how is it interpreted? The Jews say to him: Save now in the highest; blessed is he that cometh in the name of the Lord. Pilate says to them: If you bear witness to the words spoken by the children, in what has the runner done wrong? And they were silent. And the procurator says to the runner: Go out and bring him in what way thou wilt. And the runner, going out, did in the same manner as before, and says to Jesus: My Lord, come in; the procurator calleth thee.

And Jesus, going in, and the standard bearers holding their standards, the tops of the standards bent down, and adored Jesus. And the Jews, seeing the bearing of the standards and how they were bent down and adored Jesus, cried out vehemently against the standard bearers. And Pilate says to the Jews: Do you not wonder how the tops of the standards were bent down and adored Jesus? The Jews say to Pilate. We saw how the standard bearers bent down and adored him. And the procurator, having called the standard bearers, says to them: Why have you done this? They say to Pilate: We are Greeks and temple slaves, and how could we adore him? and assuredly, as we were holding them up, the tops bent down of their own accord and adored him.

Pilate says to the rulers of the synagogue and the elders of the people: Do you choose for yourselves men strong and powerful, and let them hold up the standards, and let us see whether they will bend down with them. And the elders of the Jews picked out twelve men powerful and strong, and made them hold up the standards six by six; and they were placed in front of the procurator's tribunal. And Pilate says to the runner: Take him outside of the Pretorium, and bring him in again in whatever way may please thee. And Jesus and the runner went out of the Pretorium. And Pilate, summoning those who had formerly held up the standards, says to them: I have sworn by the health of Cæsar, that if the standards do not bend down when Jesus comes in, I will cut off your heads. And the procurator ordered Jesus to come in the second time. And the runner did in the same manner as before, and made many entreaties to Jesus to walk on his cloak. And he walked on it and went in. And as he went in the standards were again bent down and adored Jesus.

Chapter 2.—And Pilate, seeing this, was afraid, and sought to go away from the tribunal; but when he was still thinking of going away, his wife sent to him saying: Have nothing to do with this just man, for many things have I suffered on his account this night. And Pilate, summoning the Jews, says to them: You know that my wife is a worshiper of God, and prefers to adhere to the Jewish religion along with you. They say to him: Yes, we know. Pilate says to them. Behold, my wife has sent to me, saying, Have

nothing to do with this just man, for many things have I suffered on account of him this night. And the Jews answering, say unto Pilate: Did we not tell thee that he was a sorcerer? Behold, he has sent a dream to thy wife.

And Pilate, having summoned Jesus, says to him: What do these witness against thee? Sayest thou nothing? And Jesus said: Unless they had the power, they would say nothing; for every one has the power of his own mouth to speak both good and evil. They shall see to it.

And the elders of the Jews answered ,and said to Jesus: What shall we see? First, that thou wast born of fornication; secondly, that thy birth in Bethlehem was the cause of the murder of the infants; thirdly, that thy father Joseph and thy mother Mary fled into Egypt because they had no confidence in the people.

Some of the bystanders, pious men of the Jews, say: We deny that he was born of fornication; for we know that Joseph espoused Mary, and he was not born of fornication; Pilate says to the Jews who said he was of fornication: This story of yours is not true because they were betrothed, as also fellow-countrymen of yours say. Annas and Caiaphas say to Pilate: All the multitude of us cry out that he was born of fornication, and are not believed; these are proselytes and his disciples. And Pilate, calling ,Annas and Caiaphas, says to them: What are proselytes? They say to him. They are by birth children of the Greeks, and have now become Jews. And those that said that he was not born of fornication, viz.: Lazarus, Asterius, Antonius, James, Amnes, Zeras, Samuel, Isaac, Phinees, Crispus, Agrippas and Judas, say: We are not proselytes, but are children of the Jews, and speak the truth; for we were present at the betrothal of Joseph and Mary.

And Pilate, calling these twelve men who said that he was not born of fornication, says to them: I adjure you, by the health of Cæsar, to tell me whether it be true that you say, that he was not born of fornication. They say to Pilate: We have a law against taking oaths, because it is a sin; but they will swear by the health of Cæsar that if it is not as we have said, and we are liable to death. Pilate says to Annas and Caiaphas: Have you nothing to answer to this? Annas and Caiaphas say to Pilate: These twelve are believed when they say that he was not born of fornication; all the multitude of us cry out that he was born of fornication, and that he is a sorcerer; and he says that he is the Son of God and a king, and we are not believed.

And Pilate orders all the multitude to go out, except the twelve men who said that he was not born of fornication, and he ordered Jesus to be separated from them. And Pilate says to them: For what reason do they wish to put him to death? They

say to him: They are angry because he cures on the Sabbath. Pilate says. For a good work do they wish to put him to death? They say to him: Yes.

CHAPTER 3.—And Pilate, filled with rage, went outside of the Pretorium and said to them: I take the sun to witness that I find no fault in this man. The Jews answered and said to the procurator: Unless this man were an evil-doer, we should not have delivered him to thee. And Pilate said: Do you take him and judge him according to your law. The Jews said to Pilate: It is not lawful for us to put anyone to death. Pilate said: Has God said that you are not to put to death, but that I am?

And Pilate went again into the Pretorium and spoke to Jesus privately, and said to him: Art thou the king of the Jews? Jesus answered Pilate: Dost thou say this of thyself, or have others said it to thee of me? Pilate answered Jesus. Am I also a Jew? Thy nation and the chief priests have given thee up to me. What hast thou done? Jesus answered: My kingdom is not of this world; for if my kingdom were of this world, my servants would fight in order that I should not be given up to the Jews: but now my kingdom is not from thence. Pilate said to him: Art thou, then, a king? Jesus answered him: Thou sayest that I am king. Because for this have I been born, and I have come, in order that everyone who is of the truth might hear my voice. Pilate says to him: What is truth? Jesus says to him: Truth is from heaven. Pilate says: Is truth not upon earth? Jesus says to Pilate: Thou seest how those who spoke the truth are judged by those that have the power upon earth.

CHAPTER 4.—And leaving Jesus within the Pretorium, Pilate went out to the Jews and said to them. I find no fault in him. The Jews say to him: He said, I can destroy this temple, and in three days build it. Pilate says: What temple? The Jews say: The one that Solomon built in forty-six years, and this man speaks of pulling it down and building it up in three days. Pilate says to them: I am innocent of the blood of this just man. See you to it. The Jews say: His blood be upon us and upon our children.

And Pilate, having summoned the elders and priests and Levites, said to them privately: Do not act thus, because no charge that you bring against him is worthy of death; for your charge is about curing and Sabbath profanation. The elders and the priests and the Levites say: If anyone speak evil against Cæsar, is he worthy of death or not? Pilate says: He is worthy of death. The Jews say to Pilate. If anyone speak evil against Cæsar, he is worthy of death, but this man has spoken evil against God.

And the procurator ordered the Jews to go outside of the Pretorium; and, summoning Jesus, he says to him: What shall I do to thee? Jesus says to Pilate: As it has been given to thee.

Pilate says: How given? Jesus says: Moses and the prophets have proclaimed beforehand of my death and resurrection. And the Jews, noticing this and hearing it, say to Pilate: What more wilt thou hear of this blasphemy? Pilate says to the Jews: If these words be blasphemous, do you take him for the blasphemy, and lead him away to your synagogue and judge him according to your law. The Jews say to Pilate: Our law bears that a man who wrongs his fellow-man is worthy to receive forty save one; but he that blasphemeth God is to be stoned with stones.

Pilate says to them: Do you take him and punish him in whatever way you please. The Jews say to Pilate. We wish that he be crucified. Pilate says: He is not deserving of crucifixion.

And the procurator, looking round upon the crowds of the Jews standing by, sees many of the Jews weeping, and says: All the multitude do not wish him to die. The elders of the Jews say: For this reason all the multitude of us have come, that he should die. Pilate says to the Jews: Why should he die? The Jews say: Because he called himself the Son of God and King.

Chapter 5.—And one Nicodemus, a Jew, stood before the procurator and said: I beseech your honor let me say a few words. Pilate says: Say on. Nicodemus says: I said to the elders and the priests and the Levites, and to all the multitude of the Jews in the synagogue, What do you seek to do with this man? This man does many miracles and strange things, which no one has done or will do. Let him go and do not wish any evil against him. If the miracles which he does are of God, they will stand; but if of man, they will come to nothing. For assuredly Moses, being sent by God into Egypt, did many miracles, which the Lord commanded him to do before Pharaoh, king of Egypt. And there were Jannes and Jambres, servants of Pharaoh; and they also did not a few of the miracles which Moses did; and the Egyptians took them to be gods, this Jannes and Jambres. But, since the miracles which they did were not of God, both they and those who believed in them were destroyed. And now release this man, for he is not deserving of death.

The Jews say to Nicodemus. Thou hast become his disciple, and therefore thou defendest him. Nicodemus says to them: Perhaps, too, the procurator has become his disciple, because he defend him. Has the emperor not appointed him to this place of dignity? And the Jews were vehemently enraged, and gnashed their teeth against Nicodemus. Pilate says to them: Why do you gnash your teeth against him when you hear the truth? The Jews say to Nicodemus: Mayst thou receive his truth and his portion. Nicodemus says: Amen, amen; may I receive it, as you have said.

Chapter 6.—One of the Jews, stepping up, asked leave of the procurator to say a word. The procurator says: If thou wish-

est to say anything, say on. And the Jew said: Thirty-eight years I lay in my bed in great agony. And when Jesus came, many demoniacs and many lying ill of various diseases were cured by him. And when Jesus saw me he had compassion on me, and said to me: Take up thy couch and walk. And I took up my couch and walked. The Jews say to Pilate: Ask him on what day it was when he was cured. He that had been cured says. On a Sabbath. The Jews say: Is not this the very thing we said, that on a Sabbath he cured and casts out demons?

And another Jew stepped up and said: I was born blind; I heard sounds, but saw not a face. And as Jesus passed by I cried out with a loud voice, Pity me, O son of David. And he pitied me and put his hands upon my eyes, and I instantly received my sight. And another Jew stepped up and said: I was crooked and he straightened me with a word. And another said: I was a leper, and he cured me with a word.

Chapter 7.—And a woman cried out from a distance and said: I had an issue of blood, and I touched the hem of his garment, and the issue of blood, which I had had for twelve years, was stopped. The Jews say: We have a law that a woman's evidence is not received.

Chapter 8.—And others, a multitude both of men and women, cried out, saying: This man is a prophet, and the demons are subject to him. Pilate says to them who said that the demons were subject to him: Why, then, were not your teachers also subject to him? They say to Pilate. We do not know. And others said: He raised Lazarus from the tomb after he had been dead four days. And the procurator trembled, and said to all the multitude of the Jews: Why do you wish to pour out innocent blood?

Chapter 9.—And, having summoned Nicodemus and the twelve men that said he was not born of fornication, he says to them: What shall I do, because there is an insurrection among the people? They say to him: We know not; let them see to it. Again Pilate, having summoned all the multitude of the Jews, says: You know that it is customary, at the feast of unleavened bread, to release one prisoner to you. I have one condemned prisoner in the prison, a murderer named Bar Abbas, and this man standing in your presence, Jesus in whom I find no fault. Which of them do you wish me to release to you? And they cry out: Bar Abbas. Pilate says: What, then, shall we do to Jesus, who is called Christ? The Jews say: Let him be crucified. And others said. Thou art no friend of Cæsar's if thou release this man, because he called himself the Son of God and King. You wish this man, then, to be a king, and not Cæsar?

And Pilate in a rage, says to the Jews: Always has your nation been rebellious, and you always speak against your benefac-

tors. The Jews say: What benefactors? He says to them: Your God led you out of the land of Egypt from bitter slavery, and brought you safe through the sea as through dry land, and the desert fed you with manna and gave you quails, and quenched your thirst with water from a rock, and gave you a law; and in all these things have you provoked your God to anger, and sought a molten calf. And you exasperated your God, and he sought to slay you. And Moses prayed for you, and you were not put to death. And now you charge me with hating the emperor.

And, rising up from the tribunal, he sought to go out. And the Jews cry out and say: We know that Cæsar is king, and not Jesus. For assuredly the magi brought gifts to him as to a king. And when Herod heard from the magi that a king had been born, he sought to slay him; and his father, Joseph, knowing this, took him and his mother, and they fled into Egypt. And Herod, hearing of it, destroyed the children of the Hebrews that had been born in Bethlehem.

And when Pilate heard these words he was afraid; and, ordering the crowd to keep silence, because they were crying out, he says to them: So this is he whom Herod sought? The Jews say: Yes, it is he. And, taking water, Pilate washed his hands in the face of the sun, saying: I am innocent of the blood of this just man: see you to it. Again the Jews cry out. His blood be upon us and upon our children.

Then Pilate ordered the curtain of the tribunal where he was sitting to be drawn, and says to Jesus: Thy nation has charged thee with being a king. On this account, I sentence thee first to be scourged, according to the enactment of venerable kings, and then to be fastened on the cross in the garden where thou was seized. And let Dysmas and Gestas, the two malefactors, be crucified with thee.

Chapter 10.—And Jesus went forth out of the Pretorium, and the malefactors with him. And when they came to the place they stripped him of his clothes and girded him with a towel, and put a crown of thorns on him round his head. And they crucified him; and at the same time, also, they hung up the two malefactors along with him. And Jesus said: Father forgive them, for they know not what they do. And the soldiers parted his clothes among them; and the people stood looking at him. And the chief priests and the rulers with them mocked him, saying: He saved others; let him save himself. If he be Son of God, let him come down from the cross. And the soldiers made sport of him, coming near and offering him vinegar mixed with gall, and said: Thou are the king of the Jews; save thyself.

And Pilate, after the sentence, ordered the charge against him to be inscribed as a superscription in Greek and Latin and Hebrew.

according to what the Jews had said: He is the king of the Jews.

And one of the malefactors hanging up spoke to him, saying: If thou be the Christ, save thyself and us. And Dysmas answering reproved him, saying: Dost thou not fear God, because thou art in the same condemnation? And we, indeed, justly, for we receive fit punishment of our deeds; but this man has done no evil. And he said to Jesus. Remember me, Lord, in thy kingdom. And Jesus said to him: Amen, amen; I say to thee, To-day thou shalt be with me in Paradise.

CHAPTER 11.—And it was about the sixth hour, and there was darkness over the earth until the ninth hour, and the sun being darkened; and the curtain of the temple was split in the middle. And, crying out with a loud voice, Jesus said: Father, *baddach ephkid ruel,* which is, interpreted, Into thy hands I commit my spirit. And, having said this, he gave up the ghost. And the centurion, seeing what had happened, glorified God and said: This was a just man. And all the crowds that were present at this spectacle, when they saw what had happened, beat their breasts and went away.

And the centurion reported what had happened to the procurator. And when the procurator and his wife heard it they were exceedingly grieved, and neither ate nor drank that day. And Pilate sent for the Jews, and said to them: Have you seen what has happened? And they say: There has been eclipse of the sun in the usual way.

And his acquaintance were standing at a distance, and the women who came with him from Galilee, seeing these things. And a man named Joseph, a councillor from the city of Arimathea, who also waited for the kingdom of God, went to Pilate and begged the body of Jesus. And he took it down and wrapped it in clean linen, and placed it in a tomb hewn out of the rock, in which no one had ever lain.

CHAPTER 12.—And the Jews, hearing that Joseph had begged the body of Jesus, sought him, and the twelve who said that Jesus was not born of fornication, and Nicodemus and many others who had stepped up before Pilate and declared his good works. And of all these that were hid Nicodemus alone was seen by them, because he was a ruler of the Jews. And Nicodemus says to them: How have you come into this synagogue? The Jews say to him: How hast thou come into the synagogue? for thou art a confederate of his, and his portion is with thee in the world to come. Nicodemus says: Amen, amen. And likewise Joseph also stepped out and said to them: Why are you angry against me because I begged the body of Jesus? Behold, I have put him in my new tomb, wrapping him in clean linen; and I have rolled a stone to the door of the tomb. And you have acted not well against the just man,

because you have not repented of crucifying him, but also have pierced him with a spear. And the Jews seized Joseph and ordered him to be secured until the first day of the week, and said to him: Know that the time does not allow us to do anything against thee, because the Sabbath is dawning, and know that thou shalt not be deemed worthy of burial, but we shall give thy flesh to the birds of the air. Joseph says to them: These are the words of the arrogant Goliath, who reproached the living God and holy David. For God has said by the prophet, Vengeance is mine, and I will repay, saith the Lord. And now that he is uncircumcised in flesh, but circumcised in heart, has taken water and washed his hands in the face of the sun, saying, I am innocent of the blood of this just man; see ye to it. And you answered and said to Pilate: His blood be upon us and upon our children. And now I am afraid, lest the wrath of God come upon you and upon your children, as you have said. And the Jews, hearing these words, were embittered in their souls, and seized Joseph and locked him into a room where there was no window; and guards were stationed at the door, and they sealed the door where Joseph was locked in.

And on the Sabbath the rulers of the synagogue and the priests and the Levites made a decree that all should be found in the synagogue on the first day of the week. And, rising up early, all the multitude in the synagogue consulted by what death they should slay him. And when the Sanhedrin was sitting, they ordered him to be brought with much indignity. And, having opened the door, they found him not. And all the people were surprised and struck with dismay, because they found the seals unbroken, and because Caiaphas had the key. And they no longer dared to lay hands upon those who had spoken before Pilate in Jesus' behalf.

Chapter 13.—And while they were still sitting in the synagogue and wondering about Joseph, there came some of the guard whom the Jews had begged of Pilate to guard the tomb of Jesus, that his disciples might not come and steal him. And they reported to the rulers of the synagogue, and the priests and the Levites, what had happened: how there had been an earthquake; and we saw an angel coming down from heaven, and he rolled away the stone from the mouth of the tomb and sat upon it; and he shone like snow and like lightning. And we were very much afraid, and lay like dead men; and we heard the voice of the angel, saying to the women who remained beside the tomb, Be not afraid, for I know that you seek Jesus, who was crucified. He is not here. He has risen, as he said. Come, see the place where the Lord lay; and go quickly and tell his disciples that he is risen from the dead, and is in Galilee.

The Jews say: To what women did he speak? The men of the guard say: We know not who they were. The Jews say: At

what time was this? The men of the guard say: At midnight. The Jews say: And wherefore did you not lay hold of them? The men of the guard say: We were like dead men from fear, not expecting to see the light of day, and how could we lay hold of them? The Jews say: As the Lord liveth, we do not believe you. The men of the guard say to the Jews. You have seen so great miracles in the case of this man, and have not believed; and how can you believe us? And assuredly you have done well to swear that the Lord liveth, for indeed he does live. Again the men of the guard say: We have heard that you have locked up the man that begged the body of Jesus, and put a seal on the door; and that you have opened it and not found him. Do you, then, give us the man whom you were guarding, and we shall give you Jesus. The Jews say: Joseph has gone away to his own city. The men of the guard say to the Jews: And Jesus has risen, as we heard from the angel, and is in Galilee.

And when the Jews heard these words they were very much afraid, and said: We must take care lest this story be heard, and all incline to Jesus. And the Jews called a council, and paid down a considerable money and gave it to the soldiers, saying: Say, while ye slept, his disciples came by night and stole him; and if this come to the ears of the procurator we shall persuade him and keep you out of trouble. And they took it, and said as they had been instructed.

Chapter 14.—And Phinees, a priest, and Adas, a teacher, and Haggai, a Levite, came down from Galilee to Jerusalem, and said to the rulers of the synagogue, and the priests and the Levites: We saw Jesus and his disciples sitting on the mountain called Mamilch; and he said to his disciples, Go into all the world, and preach to every creature: he that believeth and is baptized shall be saved, and he that believeth not shall be condemned. And these signs shall attend those who have believed: in my name they shall cast out demons, speak new tongues, take up serpents; and if they drink any deadly thing it shall by no means hurt them; they shall lay hands on the sick, and they shall be well. And while Jesus was speaking to his disciples we saw him taken up into heaven.

The elders and the priests and Levites say. Give glory to the God of Israel, and confess to him whether you have heard and seen those things, of which you have given us an account. And those who had given the account said: As the Lord liveth, the God of our fathers, Abraham, Isaac, and Jacob, we heard these things, and saw him taken up into heaven. The elders and the priests and the Levites say to them: Have you come to give us this announcement, or to offer prayer to God? And they say: To offer prayer to God. The elders and the chief priests and the Levites say to them: If you have come to offer prayer to God, why, then,

have you told these idle tales in the presence of all the people? Says Phinees, the priest, and Adas, the teacher, and Haggai, the Levite, to the rulers of the synagogue, and the priests and the Levites: If what we have said and seen be sinful, behold, we are before you; do to us as seems good in your eyes. And they took the law and made them swear upon it not to give any more an account of these matters to anyone. And they gave them to eat and drink and sent them out of the city, having given them also money, and three men with them; and they sent them away to Galilee.

And these men, having gone into Galilee, the chief priests and the rulers of the synagogue, and the elders came together in the synagogue and locked the door, and lamented with great lamentation, saying: Is this a miracle that has happened in Israel? And Annas and Caiaphas said: Why are you so much moved? Why do you weep? Do you know that his disciples have given a sum of gold to the guards of the tomb, and have instructed them to say that an angel came down and rolled away the stone from the door of the tomb? And the priests and elders said: Be it that his disciples have stolen his body; how is it that the life has come into his body, and that he is going about in Galilee? And they, being unable to give an answer to these things, said, after great hesitation. It is not lawful for us to believe the uncircumcised.

Chapter 15.—And Nicodemus stood up, and stood before the Sanhedrin, saying: You say well; you are not ignorant, you people of the Lord, of these men that come down from Galilee, that they fear God, and are men of substance, haters of covetousness, men of peace; and they have declared with an oath, we saw Jesus upon the mountain Mamilch with his disciples, and he taught what we heard from him, and we saw him taken up into heaven. And no one asked them in what form he went up. For assuredly, as the book of the Holy Scriptures taught us, Helias also was taken up into heaven, and Elissæsu cried out with a loud voice, and Helias threw his sheepskin upon Elissæsu, and Elissæsu threw his sheepskin upon the Jordan, and crossed and came into Jericho. And the children of the prophets met him and said: O Elissæu, where is thy master Helias? And he said: He has been taken up into heaven. And they said to Elissæsu: Has not a spirit seized him, and thrown him upon one of the mountains? But let us take our servants with us and seek him. And they persuaded Elissæsu, and he went away with them. And they sought him three days, and did not find him; and they knew that he had been taken up. And now listen to me, and let us send into every district of Israel and see, lest, perchance, Christ has been taken up by a spirit and thrown upon one of the mountains. And this proposal pleased all. And they sent into every district of Israel and sought Jesus, and did not find him; but they found Joseph in Arimathea, and no one dared to lay hands on him.

And they reported to the elders and the priests and the Levites: We have gone round to every district of Israel, and have not found Jesus; but Joseph we have found in Arimathea. And hearing about Joseph they were glad and gave glory to the God of Israel. And the rulers of the synagogue, and the priests and the Levites, having held a council as to the manner in which they should meet with Joseph, took a piece of paper and wrote to Joseph as follows:

Peace to thee! We know that we have sinned against God, and against thee; and we have prayed to the God of Israel that thou shouldst deign to come to thy fathers and to thy children, because we all have been grieved. For, having opened the door, we did not find thee. And we know that we have counseled evil counsel against thee; but the Lord has defended thee, and the Lord himself has scattered to the winds our counsel against thee, O honorable father Joseph.

And they chose from all Israel seven men, friends of Joseph, whom, also Joseph himself was acquainted with; and the rulers of the synagogue, and the priests and the Levites say to them: Take notice; if, after receiving our letter he read it, know that he will come with you to us. But if he do not read it, know that he is ill-disposed towards us. And, having saluted him in peace, return to us. And having blest the men, they dismissed them. And the men came to Joseph, and did reverence to him, and said to him: Peace to thee! And he said. Peace to you and to all the people of Israel! And they gave him the roll of the letter. And Joseph, having received it, read the letter and rolled it up, and blessed God and said: Blessed be the Lord God, who has delivered Israel, that they should not shed innocent blood; and blessed be the Lord, who sent out his angel and covered me under his wings. And he set a table for them: and they ate and drank and slept there.

And they rose up early and prayed. And Joseph saddled his ass and set out with the men: and they came to the holy city of Jerusalem. And all the people met Joseph and cried out: Peace to thee in thy coming in! And he said to all the people: Peace to you! and he kissed them. And the people prayed with Joseph, and they were astonished at the sight of him. And Nicodemus received him into his house and made a great feast, and called Annas and Caiaphas and the elders and the priests and the Levites to his house. And they rejoiced, eating and drinking with Joseph; and, after singing hymns, each proceeded to his own house. But Joseph remained in the house of Nicodemus.

And on the following day, which was the preparation, the rulers of the synagogue and the priests and the Levites went early to the house of Nicodemus; and Nicodemus met them and said: Peace to you! And they said: Peace to thee and to Joseph, and to all thy house and to all the house of Joseph! And he brought

them into his house. And all the Sanhedrin sat down, and Joseph sat down between Annas and Caiaphas; and no one dared to say a word to him. And Joseph said: Why have you called me? And they signaled Nicodemus to speak to Joseph. And Nicodemus, opening his mouth, said to Joseph: Father, thou knowest that the honorable teachers and the priests and the Levites seek to learn a word from thee. And Joseph said: Ask. And Annas and Caiaphas, having taken the law, made Joseph swear, saying: Give glory to the God of Israel, and give him confession; for Achar, being made to swear by the prophet Jesus, did not forswear himself, but declared unto them all, and did not hide from us to the extent of the word. And Joseph said: I shall not hide from one word. And they said to him: With grief were we grieved because thou didst beg the body of Jesus and wrap it in clean linen and lay it in a tomb. And on account of this we secured thee in a room where there was no window; and we put locks and seals upon the doors, and guards kept watching where thou wast locked in. And on the first day of the week we opened and found thee not, and were grieved exceedingly; and astonishment fell upon all the people of the Lord until yesterday. And now relate to us what happened to thee.

And Joseph said: On the preparation, about the tenth hour, you locked me up, and I remained all the Sabbath. And at midnight, as I was standing and praying, the room where you locked me in was hung up by the four corners, and I saw a light like lightning into my eyes. And I was afraid and fell to the ground. And some one took me by the hand and removed me from the place where I had fallen; and moisture of water was poured from my head even to my feet, and a smell of perfumes came about my nostrils. And he wiped my face and kissed me, and said to me, Fear not, Joseph: Open thine eyes and see who it is that speaks to thee. And, looking up, I saw Jesus. And I trembled and thought it was a phantom; and I said the commandments, and he said them with me. Even so you are not ignorant that a phantom, if it meet anybody and hear the commandments, takes to flight. And seeing that he said them with me, I said to him, Rabbi Helias. And he said to me, I am not Helias. And I said to him, Who art thou, my lord? And he said to me, I am Jesus whose body thou didst beg from Pilate; and thou didst clothe me with clean linen, and didst put a napkin on my face, and didst lay me in thy new tomb, and didst roll a great stone to the door of the tomb. And I said to him that was speaking to me, Show me the place where I laid thee. And he carried me away and showed me the place where I had laid him; and the linen cloth was lying in it, and the napkin for his face. And I knew that it was Jesus. And he took me by the hand and placed me, though the doors were locked, in the middle of my house, and led me away to my bed and said to me, Peace to thee! And he kissed me and said to me, For forty days go not

forth out of thy house; for, behold, I go to my brethren in Galilee.

CHAPTER 16.—And the rulers of the synagogue, and the priests and the Levites when they heard these words from Joseph, became as dead, and fell to the ground, and fasted until the ninth hour. And Nicodemus, along with Joseph, exhorted Annas and Caiaphas, the priest and the Levites, saying: Rise up and stand upon your feet, and taste bread and strengthen your souls, because tomorrow is the Sabbath of the Lord. And they rose up and prayed to God, and ate and drank, and departed every man to his own house.

And on the Sabbath the teachers and the priests and Levites sat questioning each other saying: What is this wrath that has come upon us? for we know his father and mother. Levi, a teacher, says: I know that his parents fear God, and do not withdraw themselves from the prayers, and give the tithes thrice a year. And when Jesus was born his parents brought him to this place and gave sacrifices and burnt offerings to God. And when the great teacher, Symeon, took him into his arms, he said, Now thou sendest away thy servant, Lord, according to thy word, in peace; for mine eyes have seen thy salvation, which thou hast prepared before the face of all the peoples; a light for the revelation of the Gentiles, and the glory of thy people Israel. And Symeon blessed them, and said to Mary his mother, I give thee good news about this child. And Mary said, It is well, my lord. And Symeon said to her, It is well; behold, he lies for the fall and the rising again of many in Israel, and for a sign spoken against; and of thee thyself a sword shall go through the soul, in order that the reasoning of many hearts may be revealed.

They say to the teacher Levi: How knowest thou these things? Levi says to them: Do you know that from him I learned the law? The Sanhedrin say to him: We wish to see thy father. And they sent for his father. And they asked him, and he said to them: Why have you not believed my son? The blessed and just Symeon himself taught the law. The Sanhedrin says to Rabbi Levi: Is the word that you have said true? And he said: It is true. And the rulers of the synagague, and the priests and the Levites said to themselves: Come let us send into Galilee to the three men that came and told about his teaching and his taking up. And this saying pleased all. And they sent away the three men who had already gone away into Galilee with them; and they say to them: Say to Rabbi Adas and Rabbi Phinees and Rabbi Haggai, Peace to you and all who are with you! A great inquiry having taken place in the Sanhedrin, we have been sent to you to call you to this holy place, Jerusalem.

And the men set out into Galilee and found them sitting and considering the law: and they saluted them in peace. And the men who were in Galilee said to those who had come to them:

Peace unto all Israel! And they said: Peace to you! And they again said to them: Why have you come? And those who had been sent said: The Sanhedrin call you to the holy city of Jerusalem. And when the men heard that they were sought by the Sanhedrin they prayed to God, and reclined with the men and ate and drank, and rose up and set out in peace to Jerusalem.

And on the following day the Sanhedrin sat in the synagogue, and asked them, saying: Did you really see Jesus sitting on the mountain Mamilch teaching his eleven disciples, and did you see him taken up? And the men answered them and said: As we saw him taken up, so also we said.

Annas said: Take them away from one another and let us see whether their account agrees. And they took them away from one another. And first they call Adas and say to him: How didst thou see Jesus taken up? Adas says: While he was yet sitting on the mountain Mamilch and teaching his disciples, we saw a cloud overshadowing both him and his disciples. And the cloud took him up into heaven, and his disciples lay upon their faces upon the earth. And they call Phinees, the priest, and ask him also, saying: How didst thou see Jesus taken up? And he spoke in like manner. And they again asked Haggai, and he spoke in like manner. And the Sanhedrin said: The law of Moses holds: At the mouth of two or three every word shall be established. Buthem, a teacher, says: It is written in the law, And Enoch walked with God, and it is not, because God took him. Jairus, a teacher, said: And the death of holy Moses we have heard of, and have not seen it; for it is written in the law of the Lord, and Moses died from the mouth of the Lord, and no man knoweth of his sepulchre unto this day. And Rabbi Levi said: Why did Rabbi Symeon say, when he saw Jesus, "Behold he lies for the fall and the rising again of many in Israel, and for a sign spoken against"? And Rabbi Isaac said: It is written in the law, Behold, I send my messenger before thy face, who shall go before thee to keep thee in every good way, because my name has been called upon him.

Then Annas and Caiaphas said: Rightly have you said what is written in the law of Moses, that no one saw the death of Enoch, and no one has named the death of Moses: but Jesus was tried before Pilate, and we saw him receiving blows and spittings on his face, and the soldiers put upon him a crown of thorns, and he was scourged and received sentence from Pilate, and was crucified upon the Cranium, and two robbers with him; and they gave him to drink vinegar with gall, and Longinus, the soldier, pierced his side with a spear; and Joseph, our honorable father, begged his body, and he says he is risen; and the three teachers say, We saw him taken into heaven; and Rabbi Levi has given evidence of what was said by Rabbi Symeon, and that he said, Behold, he lies for the fall and rising again of many in Israel, and for a sign spoken

against. And all the teachers said to all the people of the Lord, and is wonderful in your eyes, knowing you shall know, O house of Jacob, that it is written, Cursed is everyone that hangeth upon a tree. And another scripture teaches: The gods which have not made the heaven and the earth shall be destroyed. And the priests and the Levites said to each other: If this memorial be until the year that is called Jobel, know that it shall endure forever, and he hath raised for himself a new people. Then the rulers of the synagogue, and the priest and the Levites, announced to all Israel, saying: Cursed is that man who shall worship the work of man's hand, and cursed is the man who shall worship the creatures more than the Creator. And all the people said, Amen, amen.

And all the people praised the Lord, and said: Blessed is the Lord, who hath given rest to his people Israel, according to all that he hath spoken; there hath not fallen one word of every good word of his that he spoke to Moses, his servant. May the Lord our God be with us, as he was with our fathers; let him not destroy us. And let him not destroy us, that we may incline our hearts to him, that we may walk in all his ways, that we may keep his commandments and his judgments which he commanded to our fathers. And the Lord shall be for a king over all the earth in that day; and there shall be one Lord, and his name one. The Lord is our king; he shall save us. There is none like thee, O Lord. Great art thou, O Lord, and great is thy name. By thy power heal us, O Lord, and we shall be healed; save us, O Lord, and we shall be saved, because we are thy lot and heritage. And the Lord will not leave his people, for his great name's sake; for the Lord has begun to make us into his people.

And all, having sung praises, went away each man to his own house, glorifying God; for his is the glory for ever and ever. Amen.

THE SUMMING UP

Hebrew law did not permit the use of circumstantial evidence in criminal cases. Only eye witnesses of the offence charged were competent. A strange provision of their law was the requirement that the testimony of each witness must cover the entire case. Proof could not be made by one testifying to a certain fact which constituted a link in the chain of evidence, and another testifying to a certain other fact forming another link. This was forbidden by both the Pentateuch and the Talmud. The statements of each witness must fully agree as to the main circumstances. (See Criminal Jurisprudence of the Ancient Hebrews, page 29.)

It was settled under the Talmudic law that whoever would not tell the truth without swearing to it, would not scruple to assert falsehood under oath, so no oath was required in the modern sense. All testimony was given under the solemn sanction of the ninth commandment. "Thou shalt not bear false witness against thy neighbor." As each witness was called to testify, the presiding officer of the court administered the following solemn warning or adjuration, in the presence of the entire court:

"Forget not, O witness, that it is one thing to give evidence in a trial as to money and another in a trial for life. In a money suit, if thy witness-bearing shall do wrong, money may repair that wrong. But in this trial for life, if thou sinnest, the blood of the accused and the blood of his seed to the end of time shall be imputed unto thee. . . . Therefore was Adam created one man and alone, to teach thee that if any witness shall destroy one soul out of Israel, he is held by the Scripture to be as if he had destroyed the world; and he who saves one such soul to be as if he had saved the world. . . . For a man from one signet ring may strike off many impressions, and all of them shall be exactly alike. But He, the King of the kings of kings, He the Holy and the Blessed, has struck off from His type of the first man the forms of all men that shall live, yet so that no one human being is wholly alike to any other. Wherefore let us think and believe that the whole world is created for a man such as he whose life hangs on thy words. But these ideas must not deter thee from testifying to what thee actually knowest. Scripture declares: 'The witness who hath seen or known, and doth not tell, shall bear his iniquity.' Nor must ye scruple about becoming the instrument of the alleged criminal's death. Remember the Scriptural maxim: 'In the destruction of the wicked, there is joy.'"

Yet in the light of the fact and the law we find many modern-day writers who assert for the purpose of making their case more

secure, that Jesus was put *under oath* during the progress of this trial, when as a matter of fact the oath was unknown in criminal jurisprudence.

Under the Hebrew law, the accused was never compelled to testify against himself. Yet his confession of guilt was accepted in evidence and considered in connection with the other facts in the case. We find in Maimonides, chapter iv., p. 2, the following: "Should a man make his confession of guilt before a legally constituted tribunal, such confession is not to be used against him unless properly attested by two witnesses."

In the trial of Jesus on the charge of treason we have his own admission, which under the Roman law constituted undeniably a confession of guilt, and all authorities both profane and evangelical, bear out the fact that independent of his testimony and corroborative of it, there were many witnesses.

We doubt whether in the light of today there can be found any intelligent person of learning who will honestly assert that taken as a human man alone, on trial under the Roman law, there was not sufficient legal evidence to justify a conviction on a charge of treason.

Referring for the moment back to the competency of the testimony which it is claimed Jesus was obliged to give against himself in the Hebrew court, the following is of deep interest: Some years ago a professor of theology in the University of St. Petersburg, purchased at a shop in Moscow a manuscript copy of Comment on the Gospels, dating from prior to A. D. 600. On examination, it was found to have belonged to the great library collected in his youth by Ivan the Terrible, who lived from 1530 to 1584. He was First Grand Duke of Moscow, and by sheer force made himself the First Czar of Russia. In early life, he believed that he had a divine mission. The library which he collected was thought to have been burned in the great fire of Moscow in 1812. This, however, has been disproven from the fact that this copy together with many other similar volumes, have been discovered in a subterranean passage near the Kremlin. This copy of the gospels in many senses is unlike any other in existence. A study of its pages throws new light on the incidents which pertain to the trial of Jesus.

Here we have new-found evidence of the legality of the trial of the Nazarene. In its pages will be found comment upon his becoming a witness against himself before the Jewish Senate. The following is stated to be the law then prevailing, as applicable to the case in hand: "It is held that the Sanhedrin for the purpose of finding the fact had a right to take the omission of the defendant to explain his language, against him. While not required under the law to take the witness stand, nor could he be compelled to

testify at all, and if he fails to do so, no inference unfavorable to him may be drawn from that fact, yet where he elects to go upon the witness stand and testify, he then subjects himself to the same rule as that applying to any other witness. And if he fails to deny or explain acts of a seeming incriminating nature that the evidence of the prosecution tends to establish against him, such failure may be considered by the court with all the other circumstances in reaching their conclusion as to his guilt or innocence."

It is stated as a legitimate inference that could he have truthfully denied or satisfactorily explained the incriminating evidence against him, he would have done so.

Salvador, who may be considered as the Jewish Blackstone, has to say concerning the condemnation of Jesus: "The Senate declared that Jesus, son of Joseph, born at Bethlehem, had profaned the name of God in usurping it for himself, a simple citizen." While Schurer was of opinion as indicated in the first volume of his work, that this condemnation proceeding or conviction *was set aside by Pilate,* and in this view we agree.

According to the scribes and Pharisees (Matt. ix. 2-3; Luke v. 21) Jesus was guilty of blasphemy by claiming the power which alone belonged to Jehovah. The entire New Testament furnishes abundant evidence that Jesus, the man and Jewish citizen, did at divers times and places commit blasphemy against Jehovah under any fair interpretation of the law. The policy and precepts of the new dispensation inagurated by Jesus cannot be considered in a legal sense to have been binding upon the Sanhedrin. If we are to accept the bible, then the very claim of Jesus to Messiahship and identity with God, were to be tested by the provisions of the Mosaic code, and in the light of Hebrew prophecy.

Mr. Greenleaf, the author, recognized as an authority, holds unquestionably that the trial was "substantially right in point of law."

We cannot find that there is any merit in the contention that the arrest of Jesus was illegal because the Jewish law prohibited all proceedings by night.

Nowhere do we find that the Sanhedrin authorities employed Judas and that he became an accomplice with Jesus in consequence thereof; but even if under a strict construction, Judas was an accomplice, it only follows that under the law then existing, or today, that his testimony needed corroboration,—a conviction could not be had upon his statement alone. Consequently the second element of illegality in the arrest has been disposed of.

The third illegality charged in the arrest of Jesus was that His capture was not the result of a legal mandate from a court of competent jurisdiction. We find nothing in this to warrant the

charge of illegality. No grand juries were called in those days; no indictments were found, as they are today; no warrants were issued by a court for the arrest of any one. The order of the court was delivered verbally in effect "Go out and get this man."

The so-called private examination before Annas or Caiaphas was not illegal as it formed no part of the proceedings of the trial court. It was, if anything, in the nature of a preliminary examination. If cause were found, then the accused was presented for trial before the Sanhedrin, otherwise not. We take it that at the worst, the hearing, if such it can be termed, before the magistrate was mild in comparison with the "third degree" methods employed throughout the United States today. Whether it was Annas or Caiaphas who examined Jesus, neither claimed the right to sit alone as judge, and we submit that the hearing could not in any way be considered as a part of the judicial proceeding known as *the trial.* We cannot construe the language of Salvador in the light which it is claimed it shows, that such proceedings as a preliminary examination were not allowed by Hebrew law.

There is no doubt but what the charges made against Jesus in the Sanhedrin came within the criminal procedure of the Mosaic code requiring certainty. (Salvador "Institutions de Moise," p. 365.) Nowhere is it claimed, that we are aware, that the Sanhedrin did other than investigate and pass upon the charges which many prosecutors testified to. (Edersheim "Life and Times of Jesus, the Messiah," vol. 1, p. 309.)

The first ecclesiastical trial of Jesus took place about three o'clock in the morning (Fiske Manual of Classical Literature, iii. sec. 108. Smith Dictionary of Greek and Roman Antiquities, 89.) After the evidence had been heard and argument had, an adjournment was taken, and according to St. Luke, there was a second trial as required by law. (Luke xxii. 66.)

As to whether the Sanhedrin could hold a legal session before the offering of the morning sacrifice is a matter of minor importance, hardly worthy of consideration. It might as well be said that because it was *the custom* for a judge of one of our courts to have his breakfast before a session of the tribunal over which he presided, that if he failed his regular meal, then all proceedings of that day's court were in consequence void.

The writer cannot find outside of Mishna (Sanhedrin iv. 1), that it was the law existing at the time of Jesus that no man should be judged on the eve of the Sabbath, nor on that of any festival. It must be remembered in this connection that the Mishna was not reduced to writing until after 200 years beginning with our era. The Jerusalem Talmud was not re-acted until A. D. 390, and the Babylonial Talmud A. D. 427. It is claimed and we believe fairly so, that the rules of criminal procedure invoked in the discussion

of this case were growths of the periods intervening between A. D. 30 and A. D. 427. We fail to find that the criminal rules applied in these authorities are traceable in the same form to Mosaic provisions claimed to have been framed more than a thousand years before Jesus.

While it is true that the characteristic features of the criminal procedure of the ancient Hebrews indicated cautiousness and slowness in judgment, yet we do not find any authority, sacred or profane, that a sentence of death could not be pronounced in a proceeding before a competent court wherein the trial was concluded in one day.

It has been charged and modern-day writers are profuse in their statements that the finding of guilty pronounced against Jesus by the Sanhedrin was illegal because it was founded upon his uncorroborated confession. As to this we can only say—the wish must have been father to the thought. There is no authority to be found anywhere which bears out the statements. Whether we take Mark (Mark xiv. 56-65), "Martyrdom of Jesus," "The Criminal Jurisprudence of the Ancient Hebrews," or Luke in his statement of the fact, it will be found throughout that "*many* witnesses" were called and testified to the guilt of Jesus on the charge of blasphemy.

We have already shown that a unanimous verdict of guilt was not rendered, that at least two of the judges defended the accused, and reference thereto in the earlier pages disposes of these charges of illegality. The best that can be said of the statements contained in the bible that a unanimous finding of the counsel was had is that it is but a figure of speech. In view of authorities cited, we shall leave the matter to the reader to draw his own inferences.

That Jesus was not without friends among the members of the Sanhedrin is shown in John iii. 1 and vii. 50; in Luke xxiii. 51. It is known that Nicodemus and Joseph of Arimathea were friends of Jesus, and they were certainly members of the Great Sanhedrin. We cannot believe that in the trial at least these two did not offer some word of explanation for the accused. Both Matthew and Mark have said "*all* the council" were present, and Mark undoubtedly wrote truthfully from his understanding when he said "they all condemned him to be guilty of death." It them follows naturally and inevitably that both Nicodemus and Joseph voted against Jesus.

There is no evidence so far as we know that the sentence of condemnation was pronounced in a place forbidden by law. Neither can we find that uncovering of the head or rending of his clothes by the high priest, would tend to make either void or voidable the proceedings of the court. It is true that Leviticus x. 6,

lays down the law as given by Moses to Aaron, and others, "Uncover not your heads nor rend your clothes, lest ye die." The worst that can be said is that the proceeding on the part of Caiaphas in rending his clothes was an act showing lack of dignity.

Reference is made to these different features of the charges wherein illegality has been charged so as to explain so far as possible that the facts claimed are not those which are borne out by the testimony and authorities. Even if all of the illegal features charged by the writers of the Twentieth Century, and foregoing, were to be accepted as true, yet in view of the fact that Pilate when he came to pass upon the testimony submitted and to review all of the acts of the Great Sanhedrin, found, as he did find, that the verdict of that court was not one upon which he could either legally or conscientiously, justify himself in imposing the capital penalty, then whatever wrongs were committed, if any there were, were overcome and legal right prevailed by the final judgment of the procurator when he said "I find no fault in this man at all."

These words constituted a dismissal of the appeal, and became the final judgment entered by the Roman governor in his, the last jurisdiction of final resort, who as chief executive had full and complete power and authority to act as he did in the premises.

THE ROMAN TRIAL.

The accusers of Jesus before the Sanhedrin having failed through the action of Pilate in securing the condemnation sought, and the imposition of the death penalty, were not satisfied. They must have recourse to other charges to be prosecuted in another forum. The mightiest jurisdiction of the earth having assumed cognizance of the charge of blasphemy, and this charge now failing, there was nothing left to do, but to present to Pilate a new indictment founded upon entirely different charges to substatiate which many witnesses could be found.

It was treason undoubtedly for one to proclaim himself a king, or ruler of the people of any province which was at that time subservient to Roman dominion. The charges which were preferred against Jesus before the Sanhedrin could not be urged again in the Roman forum. The Roman law must be applied to the charges now to be made. The forms of criminal procedure employed by Pilate in conducting the Roman trial, were those then ordinarily in force. Taking into consideration the admissions of Jesus and the testimony of the witnesses who appeared against him, under the law of the land of that day, Pilate was legally and politically justified in delivering Jesus to be crucified.

It must be borne in mind at all times that these two trials of Jesus were separate and independent so far as the charges, judges,

and jurisdictions were concerned, and that the only common elements were the persons of the accusers and the accused.

Under the law as then existing, as applied to Roman criminal trials, the first step was the filing of an application with the presiding magistrate for permission to bring the alleged criminal charge against a certain person. In case the accused was caught red-handed or if he happened to be within the forum then the accusation was made direct. Like the Jewish law, Roman jurisprudence at this time did not know states' attorneys or public prosecutors as that application is made today. Any private citizen whether one of the accusers or not might take upon himself the public prosecution in behalf of the government. It was, however, the law that but one prosecutor could appear unless there was more than one crime charged. With the accused before the court, he could then be interrogated at length concerning the facts of the crime. This proceeding, generally speaking, was thus in the nature of a modern grand jury inquisition, and concluded the preliminary step.

The penalty imposed under the Roman law for the crime of treason was crucifixion. This form of punishment while unknown to the ancient Hebrews had long been in force in the domain of Cæsar. indeed, it may be said for very many years before his time. The ancient Egyptians practiced it. So did the Carthaginians, Persians, Germans, Assyrians, and Greeks, as well as the Romans themselves. History records the fact that the Romans employed this form of punishment on a gigantic scale. The Roman General Varlus having crucified two thousand Jews in one day at the gates of Jerusalem. At the close of the war with Spartacus, the gladiator, ten thousand slaves were crucified. This was meted out to such as were guilty of robbery, piracy, perjury, sedition, assassination and treason.

Preliminary to crucifixion, the accused was scourged, thus the terrible flagellum came into play. Into this instrument of torture were stuck nails, or pieces of bone, so as to heighten the pain of the victim.

After the flagellation, the prisoner was taken outside the city to the place of execution. The accused was compelled to carry his own cross and to watch all the preparations for his torture. He saw the cross driven into the ground, and having been stripped naked, he was lifted upon and nailed to it. The body of the accused was fastened to the cross by nails, driven through the hands and feet, although history records many instances in which the feet were merely bound by cords.

The pictures which have been shown from time to time and are displayed in works of art of crosses used in execution, are decidedly misrepresenting. They are shown as too large and too

high. The real cross of antiquity was about six feet in height, the head of the accused being at the top, and whose feet came down to the ground. Pictorial art is also false in failing to show a projecting beam near the center of the cross upon which the criminal sat.

Roman records tell us also that often the legs of the criminal were broken, fires were built about him, and again wild beasts were turned loose upon him. Sepulchre was generally forbidden by law, although there were exceptions to the rule. Pilate consented in the case of Jesus at the request of Joseph of Arimathea that the body might be taken down and buried. (John xix. 38-41.)

Richter gives the following pathological phases of death by crucifixion. His account has been reproduced in Strong and McClintock "Encyclopedia."

1. The unnatural position and violent tension of the body, the least motion causing a painful sensation.

2. The nails being driven through the hands and feet cut and irritate the nerves and tendons, thus creating a most exquisite anguish.

3. The exposure of wounds and lacerations tends to bring on inflammation ,and later gangrene.

4. As more blood flows through the arteries than can be carried back into the veins owing to the distended parts of the body, the blood vessels of the head become pressed and swollen, causing intense excitement, exertion and anxiety.

5. Lingering anguish, burning and raging thirst.

The intense sufferings and prolonged agony of crucifixion, are well presented in the Arab manuscript entitled "The Meadow of Flowers and the Fragrant Odor." (See "Chrestomathia Arabica" by Rosegarten, published in 1828.)

The indictment which was brought against Jesus is contained in a single verse in St. Luke, "And they began to accuse him, saying, 'We found this fellow perverting the nation, and forbidding to give tribute to Cæsar, saying that he himself is Christ, the King.'" Pilate took cognizance of this accusation; there could be no mistake as to the nature of the charge, or the meaning of the language. It was clearly high treason against Cæsar. No greater crime was known to Roman law.

In defining treason Ulpian says: *"Majestatis crimen illud est quod adversus populum Romanum vel adversus securitatem ejus committitur."* (Digest xlviii. 4.) Practically the same definiton is admirably given by Cicero, and will be found in De Inventione

ii. 17. A fair translation of the above would read, "Treason is an insult to the dignity and an attack upon the sovereignty."

It should be borne in mind that at this time Tiberius Cæsar was Emperor of Rome; he was a morbid tyrant, fretful and suspicious. He had no love for pernicious activity, or political disturbance. While it is true that Christianity was not on trial before Pilate, it must be remembered that the Creator of Christianity was, and the same legal principles were extant and applicable in A. D. 30 that years afterward brought the followers of Nazarene and the Roman State into mortal conflict.

We believe it to be true that the Roman law applicable to the trial of Jesus and which formed the basis of the complaint against him was the *lex Julia Majestatis*, which first became operative 48 B. C. Under this law, a claim of equal standing with the King, or ruler, constituted treason and was subject to the death penalty.

The priestly accusers appear before the Roman judge. They had been turned down so far as their first wishes were concerned and the action of the Great Sanhedrin in condemning Jesus had not been confirmed; order was had in court and Pilate from the *bema* asked:

"What accusation bring ye against this man?"

The words ring with Roman authority and administrative capacity. Then the chief priests and scribes made reply:

"If he were not a malefactor, we would not have delivered him up unto thee."

Meaning that if he were not guilty of offence, they would not have presented him for trial. They meant to convey to the mind of Pilate that while the judgment of the Sanhedrin had been set aside, yet that Jesus was amenable to the laws of the Roman Empire.

Pilate clearly disgusted with the accusers of Jesus, and with their persistency in insisting upon his punishment, in a tone of contemptuous scorn said:

"Take ye him and judge him according to your law."

Undoubtedly Pilate intended that Jesus should be taken by his accusers and tried for some minor offence, the penalty for which the Jews were already empowered to execute. This seems to be clearly shown to be the understanding of the chief priests and scribes as shown by their reply:

"It is not lawful for us to put any man to death." (John xviii. 31.)

Nothing short of a death penalty would do; the crime they were about to charge him with in the Roman forum was one which

knew of no other penalty. When the crime of treason was charged, Pilate in the very nature of things, could not say, "I do not wish to meddle in this matter." A specific charge having been made, he could not but assume cognizance of the case, and then it was that the indictment as presented was urged. It is given in a single verse of St. Luke. (Luke xxiii. 2.)

"We found this fellow perverting the nation, and forbidding to give tribute to Cæsar, saying that he himself is Christ, a King."

Here was a charge which was in effect a political offence. It was entirely different than the religious accusation from which Jesus had just been freed. The first charge that he was perverting the nation, while general in its character, and indefinite, was undoubtedly against the Roman law. It was sedition, one of the forms of treason. The second charge that he had forbidden to give tribute to Cæsar was much more serious. This in itself was a form of treason. It was an open defiance of the laws of the Roman Empire. More than that: Coming from the source it did, it was a direct denial of Roman sovereignty in Palestine. But the greatest of all the charges made, was found in the accusation that the prisoner claimed to be "Christ, a King." This was high treason against Cæsar; it was the greatest offence known to the law of the Romans. As a loyal deputy of the Emperor, Pilate could not ignore the charge.

At the examination which followed, the Roman governor brushed aside the first two charges as not worthy of serious consideration. Pilate must have thought if this fellow pretends to be a king as Simon did before him, if the prisoner says that Judea has a right to have a King of its own other than Cæsar, then this is indeed treason.

All the Evangelists beginning with John xviii. 34 give substantially the same account of the interrogation of Jesus within the palace walls by Pilate. Question after question was asked and adroitly answered. Pilate said, "Art thou King of the Jews?" and Jesus evaded the question by inquiring himself, "Sayest thou this thing of thyself, or did others tell it thee of me?" In other words, Jesus wanted to know whether the question was asked from a Roman or a Jewish standpoint. Pilate quickly answered, "Am I a Jew?" and to this Jesus replied, "My Kingdom is not of this world."

He must have meant that there could be no possible rivalry between himself and Cæsar, and yet indirectly he had proclaimed himself as Master of a Kingdom. To this Pilate put the question, "Art thou a King then?" and Jesus in effect, answered, "you have correctly stated it. I am a King. I was born to be one."

The examination at this point was interruped by witnesses

and prosecutors who urged new accusations, saying "He stirreth up the people, teaching throughout all Jewry, beginning from Galilee to this place." The evidence taken there indicated that Jesus was a Galilean, so Pilate in view of that fact, sent Jesus to be tried by the governor of the province to which he belonged. This was Herod, Tetrarch of Galilee, who at that very moment was in Jerusalem in attendance upon the Passover feasts. Under the escort of an attachment of the Praetorian soldiery, Jesus was led to the palace of the Maccabees for further hearing and trial.

None of the technicalities that might be urged in relation to the trial of Jesus before the Great Sanhedrin can apply to this hearing before either Herod or Pilate in Roman jurisdiction. It did not matter under the law whether the hearing was conducted the day before the Sabbath, or whether it was on a feast day. It was quite immaterial whether the morning sacrifices had been had, or whether any of the many minor objections which are said to constitute "illegality," in the Jewish trial, were noted. Jesus was now on trial charged with an offence distinctly against the Roman law. He was in a Roman court, and if convicted the punishment which would be meted out to him would be under the Roman law.

To Herod Antipas, Tetrarch of Galilee, Jesus was led to be judged. Herod was a typical Oriental prince. He himself was the murderer of John the Baptist, and as compared with him Pilate unquestionably was eminently respectable. Just what transpired during that hearing, history does not record. Herod undoubtedly thought that Jesus had been sent there for a purpose, and while he did not wish to excite the enmity of Cæsar, by dismissing the accused, he feared in his soul to find him guilty as charged. His treatment of Jesus indicated that he believed him to be a clever juggler, a magician, a sleight-of-hand operator, possibly a ventriloquist, whose powers of entertainment were very fine. "Then he questioned him with many words, but he answered him nothing." (Luke xxiii. 9.)

Herod found himself in the position which required that he continue and conclude the examination of Jesus. "And the chief priests and scribes stood by and vehemently accused him." (Luke xxxii. 10.)

A careful study of all history indicates that Herod enraged that a simple Galilean peasant would not seriously treat his questions, that by his silence he denied his jurisdiction, and considering that he had been mocked, then found that Jesus was guilty and caused him to be arrayed in a gorgeous robe and turned him back to Pilate, the procurator, for sentence.

On his return to Pilate, a demand was made of the Procurator that he cause the death of Jesus in consequence of the finding of Herod. To satisfy himself, Jesus was called within the Temple

by Pilate, and asked "Whence art thou?" Undoubtedly the Roman Governor was hoping that he would receive a denial that the accused was a Galilean, which would thereby have rendered the finding of Herod illegal, because of lack of jurisdiction, but Jesus answered nothing. He would not explain nor justify himself. Seeing which his accusers framed their last menace in these words:

"If thou let this man go, thou art not Cæsar's friend: whosoever maketh himself a King, speaketh against Cæsar."

A demand was made upon him "Crucify him! Crucify him!" The hundreds surrounding Pilate understood full well the penalty for a charge as serious as that of treason. There was but one answer to the finding of guilty, crucifixion. Three times Pilate asked of those who were about him, "What evil hath he done?" and in thundering tones his answer came "He has been guilty of proclaiming himself a King; he hath set himself up against Cæsar; he is guilty of treason against the Empire of which you are a servant and officer. Order him to be crucified!"

In accordance with the finding and upon the evidence submitted, coupled with the recommendation of Herod, Pilate delivered to his accusers, Jesus to be crucified. The soldiers of the Governor took him into the common hall where he was surrounded by all the soldiery. They stripped him, and in accord with the custom of that age, and that country, they put over his shoulders a scarlet robe; they platted a crown of thorns and put it upon his head; they placed a reed in his right hand as though to mock him; the assembled multitude bowed their knees before him, saying "Hail! King of the Jews!"

Jesus was spat upon, and mocked, after which he was led away and crucified.

We have now considered the elements of law and fact as related to the legality of the Roman trial. The powers and duties of Pilate as procurator of Judea and presiding judge at the trial are of course involved in this consideration. The general principles of Roman provincial administration, the legal and political status of the Jew subject, the exact requirements of criminal procedure in Roman capital cases, and in the provinces throughout that Empire at the date of the crucifixion.

Analyzing the case from the viewpoint of the jurist, and in the absence of all question as to the divinity of the accused, comparing the requirements of the law with the actualities of the case, we can come to no other conclusion than that the proceedings against Jesus before Pilate on the charge preferred against him, on the last trial, in the Roman court, were legally conducted.

Let it be understood in this analysis that it must be held and borne in mind that in reviewing this case or any other, errors cannot be presumed that do not affirmatively appear upon the record. It is rather to be presumed that what should have been done, was done. Hence we find, that Pilate acted in strict obedience to the requirements of Roman law in trying Jesus. The legal presumption is that a bench of judges helped Pilate to conduct this trial. that they were in and about the Praetorium and actually took part in the proceedings. This inference is strengthened by the fact that Pilate called Jesus into the judgment hall of the Palace in order to examine him. (Geikie, "The Life and Words of Christ," vol. xii. p. 532.) The legal presumption is that the witnesses who were called against Jesus, gave competent testimony, and that the weight of the evidence submitted together with the admissions of the accused, was sufficient to warrant the court in finding him guilty and imposing the penalty provided through due process of law.

I must agree with many noted historians in holding that it was Pilate's duty to maintain peace and order in Judea and to maintain Roman power: in doing so, he was clearly within his prerogative if ample evidence was submitted in regular form, in carrying out the mandate of the law. In this contention I take no cognizance of the divinity of the prisoner before him, or of his Messiahlike qualities. In the discussion of these questions, I have treated him as man alone,—a teacher and Jew. Undoubtedly many will disagree in the position assumed. Let homage be paid to the character and spirituality of Jesus by those who will, those of other beliefs will not question the honesty of their intentions and acts. The writer believes that the sublimest achievements are found among those who believe that whatever is good, is for the greatest benefit of all mankind, and that it is not necessary for one to be bound by the narrow dogma of any one creed or denomination. With the question whether as he proclaimed, Jesus was in fact "the resurrection and the life," or whether on the other hand he was a great teacher, imbued with religious faith, imperial courage, the grandest of character, filled with the loftiest sentiments of all life, are matters which will be left for the consideration of this and future generations, to be determined once and for all in the Grand Hereafter.

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